

Court File No.: T-1707-90

IN THE FEDERAL COURT OF CANADA  
TRIAL DIVISION

BETWEEN

TIME DATA RECORDER INTERNATIONAL LTD.

AND

J.S.G. WOOD INDUSTRIES LIMITED

Plaintiffs

AND

THE MINISTER OF NATIONAL REVENUE

Defendant

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AFFIDAVIT OF DOCUMENTS

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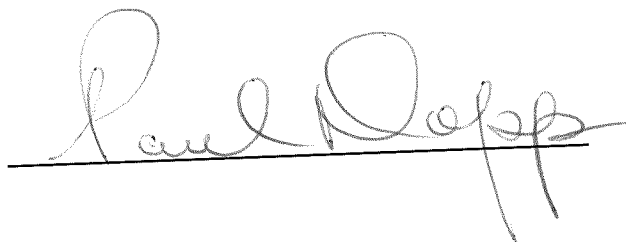
I, PAUL DOPP businessman, resident at 2785 Polo Drive, St. Lazare, Quebec,  
swear that:

1. I am the President of Time Data Recorder International Limited which is a corporation and one of the Plaintiffs in the action.
2. I have conducted a diligent search of Time Data Recorder International's records and have made appropriate inquiries of others to inform myself in order to make this affidavit.
3. This Affidavit discloses, to the full extent of my information, knowledge and belief, all of the documents relevant to any matter in issue in the action that are in Time Data Recorder International's possession, power or control, that were

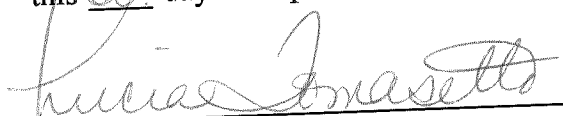
5. I have listed and described in Schedule II all of the relevant documents, or bundles of relevant documents, that are or were in Time Data Recorder International's possession, power or control and for which privilege is claimed and have stated in that Schedule the grounds for each claim of privilege in respect of a document or bundle of documents.

6. I am not aware of any other relevant document other than those that are listed in this affidavit or that are or were only in the possession, power or control of another party in the action.

AND I HAVE SIGNED.



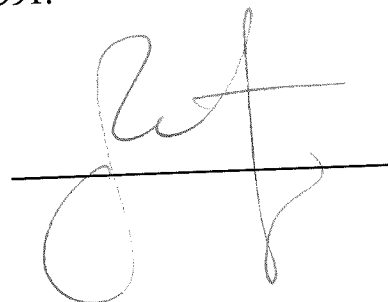
SWORN TO BEFORE ME at Montreal,  
this 30 day of September, 1991

  
COMMISSIONER OF OATHS

### CERTIFICATE OF SOLICITOR

I, Peter E. Kirby, certify that I have explained to the deponent of this affidavit of documents the necessity of making full disclosure under Rule 448 of the Federal Court Rules and the possible consequences of failing to do so.

Dated at Montreal, this 30<sup>th</sup> day of September, 1991.



## SCHEDULE I

The following are all of the relevant documents, or bundles of relevant documents, that are in Time Data Recorder International's possession, power or control and for which no privilege is claimed:

1. Package of documents relating to a consolidated shipment which entered Canada on February 2, 1988 (Exhibit A).
2. Fax message from Starber to Farrow dated March 3, 1989 (Exhibit B).
3. Copies of documents faxed by Dodge Markham to J.S.G. Industries on March 3, 1989 with fax "activity reports" (Exhibit C).
4. Seizure receipt dated March 3, 1989 (Exhibit D).
5. Statement of goods seized dated March 3, 1989 (Exhibit E).
6. Notice of Objection to seizure and request for Ministerial decision pursuant to section 129 of the Customs Act dated March 23, 1989 with fax transmission report (Exhibit F).
7. Notice of Objection to seizure and request for a decision of the Minister pursuant to section 129 of the Customs Act dated March 29, 1989 (Exhibit G).
8. Notice of Seizure dated April 20, 1989 (Exhibit H).
9. Letter dated May 31, 1989 from Mr. Raymond Héroux of Starber International Ltd. to Mr. Peter Melvin of the Department of National Revenue (DNR), with attachments (Exhibit I).
10. Summons to Time Data Recorder International dated July 27, 1989 (Exhibit J).

13. Letter dated August 21, 1989 from Mr. Michael Kaylor to Mr. Peter Melvin (Exhibit M).
14. Time Recorder Remission Order dated May 4, 1989 (Exhibit N).
15. Letter dated October 2, 1989 from Mr. Peter Melvin to Mr. Michael Kaylor (Exhibit O).
16. Letter dated November 30, 1989 from Mr. Peter Kirby to Mr. Peter Melvin (Exhibit P).
17. Letter dated February 21, 1990 from Mr. Peter Kirby to Mr. Peter Melvin (Exhibit Q).
18. Letter dated February 26, 1990 from Mr. Peter Melvin to Mr. Peter Kirby (Exhibit R).
19. "Case synopsis and reasons for decision" prepared by Mr. Peter Melvin and signed March 14, 1990 (Exhibit S).
20. Decision of the Minister of National Revenue dated March 16, 1990 in respect of Customs Seizure No. 73168 (Exhibit T).
21. Federal prosecutor's brief in respect of criminal charge (R. v. Time Data Recorder).
22. Transcript of Decision of Judge Fontana rendered in R. v. Time Data Recorder International dated June 28, 1990 (Exhibit U).
23. Notes of Lucy Ferguson dated March 13, 1990 respecting a meeting with Peter Kirby.
24. Package of documents relating to the relationship between Time Data Recorder International Ltd. and Muzylo Enterprises Ltd.

27. Canada Customs invoice issued in respect of purchase orders  
5020/71689/72720
28. Canada Customs invoice issued in respect of purchase order 5027/73689
29. Canada Customs invoice in respect of purchase orders 63636, 72852,  
72853, 8288
30. Canada Customs invoice issued in respect of purchase orders Nos.  
163099, 63923, 63930
31. Canada Customs invoice issued in respect of purchase order Nos. 72873,  
72871, 72872, 72874, 72875, 72871
32. Canada Customs invoice issued in respect of purchase order Nos. 72870,  
72876
33. Canada Customs invoice issued in respect of purchase order Nos. 166820,  
67179
34. Canada Customs invoice in respect of purchase orders 5020, 71689,  
72720
35. Canada Customs invoice issued in respect of purchase order Nos. 72899,  
72893, 72890, 72888
36. Canada Customs invoice issued in respect of purchase order Nos. 72888,  
72890, 72894, 72896
37. Canada Customs invoice issued in respect of purchase order Nos. 72896,  
72885, 72891, 72890
38. Canada Customs invoice issued in respect of purchase order Nos. 1855,  
72897, 72895, 72898, 72899

41. Canada Customs invoice issued in respect of purchase order Nos. 5027, 73689
42. Commercial Invoice dated 15 February 1989 from Acroprint Time Recorder Company to Time Data Recorder
43. Copy of fax transmissions to J.S.G. Industries with copies of fax "activity reports"
44. Letter dated March 7, 1989 from Ms. Cindy Douds of Russell A. Farrow Limited, Customs Brokers to Mr. Ron Bisailon of J.S.G. Industries
45. Letter dated March 8, 1989 from Mr. Paul Dopp of Time Data Recorder International to Mr. Don Tardif of Starber International Inc.
46. Letter dated March 7, 1989 from Miss Mina Smallacombe of Dodge Markham Co. Inc. to Mr. Don Tardif of Starber International Ltd.
47. Shipping order issued by Dodge Markham Co. Inc. dated 3 March 1989
48. Canada Customs form B-3 dated 6 March 1989
49. Canada Customs form B-3 dated August 24, 1988
50. Canada Customs form B-3 dated August 25, 1988
51. Canada Customs form B-3 issued 24 November 1988
52. Documents issued by Russell A. Farrow Customs Broker Ltd.
53. Canada Customs invoice Nos. 166459, 66472, 68890, 72702
54. Canada Customs invoice Nos. 1668873, 68993

58. Letter dated March 31, 1989 from Mr. C.D.A. Mallory, Chief, Customs Operations to Adjudications Directorate, DNR
59. Letter dated March 29, 1989 from Mr. Ron Bisaillon of J.S.G. Industries to Mr. Don Mallory of DNR
60. Seizure receipt dated March 15, 1989
61. Report of the circumstances and events leading to seizure No. 456-8010 dated March 3, 1989, signed by Mr. D. Blythe
62. List of 39 used time recorders sold to Time Data Recorder International
63. Customs Cargo control document 12447-99012774-8
64. Customs Cargo control document 12447-99012774-9
65. Commercial Invoice of Acroprint Time Recorder Co. Ltd. to Time Data Recorder International dated 27 February, 1989
66. Shipping order of J.S.G. dated 3rd of March, 1989
67. Operational report signed by Mr. D. Blythe of the DNR
68. Letter dated March 8, 1989 from Mr. Paul Dopp of Time Data Recorder International to Mr. Don Tardif of Starber International
69. Invoice dated 15 February, 1989 from Acroprint Time Recorder Co. to Time Data Recorder.
70. Package of documents relating to applications made pursuant to the Access to Information Act and documents received as a result of those requests.

## **SCHEDULE II**

The following are all of the relevant documents, or bundles of relevant documents, that are or were in Time Data Recorder International's possession, power or control and for which privilege is claimed:

1. Correspondence between officials of Time Data Recorder International and its solicitors, Gottlieb & Pearson.



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