

Action No.: 1703-17671
E-File Name: EVQ19GENESIS
Appeal No.: _____

IN THE COURT OF QUEEN'S BENCH OF ALBERTA
JUDICIAL CENTRE OF EDMONTON

BETWEEN:

GENESIS INTERGRATION INC.

Plaintiff

and

RYAN JAY and MATRIX VIDEO COMMUNICATIONS CORP.

Defendants

PROCEEDINGS

Edmonton, Alberta
June 28, 2019

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TABLE OF CONTENTS

Description		Page
June 28, 2019	Morning Session	1
Discussion		1
Certificate of Record		3
Certificate of Transcript		4

1 Proceedings taken in the Court of Queen's Bench of Alberta, Law Courts, Edmonton, Alberta

2

3 June 28, 2019

Morning Session

4

5 Master Schlosser, QC

Court of Queen's Bench
of Alberta

6

7

8 A. Nanda

For Genesis Integration Inc.

9 (No Appearance)

For R. Jay

10 (No Appearance)

For Matrix Video Communications Corp.

11 S. Vokey

Court Clerk

12

13

14 **Discussion**

15

16 MR. NANDA:

Good morning, Sir. For the record, Nanda first

17 initial 'A'. I have a fiat for consideration, Sir, and this is a somewhat an unusual fiat. I

18 believe it's only been granted once -- one other time in this court system, Sir. It is a fiat

19 seeking to file an affidavit notwithstanding that it was sworn in a video conferencing

20 system, and the signature is not original, Sir. I can provide some background, Sir. This is

21 commercial litigation matter. I act for the plaintiff, defendants both have counsel, and

22 we're working towards to a summary dismissal application brought by one of the

23 defendants. We are -- this application has been pending for more than a year. We're very

24 diligent to get this done. The problem is that my litigation representative, or the

25 representative for my client who disposes on the affidavit, he schedules his time in

26 California. So when he comes back to Edmonton, we have a small window to do

27 questioning, to do anything we need to, to move this action along. We have an affidavit

28 here, that's the last outstanding affidavit before this application is heard, and when he

29 comes back some time in July or August, we want to just have the parties ready to go to

30 question, not to waste any time. And, Sir, I can advise also that the Rules in Alberta with

31 respect to commissioning affidavits, simply require the deponent appear before a

32 commissioner.

33

34 MASTER SCHLOSSER:

May I ask you a question though, is this

35 covered -- is an *Electronic Signatures Act*?

36

37 MR. NANDA:

I don't think it is. I believe our -- our laws, and

38 I've researched this, Sir, are quite silent on this. It doesn't prohibit it, but it doesn't

39 expressly allow it. And I appeared before Master Schulz on similar application in

40 February this year. Same pitch and she agreed with us then.

41

1 MASTER SCHLOSSER: That's fine.

2

3 MR. NANDA: Thank you.

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5 MASTER SCHLOSSER: May as well be practical about this.

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7 MR. NANDA: I appreciate that. And it's on consent, I should
8 mention, the fiat.

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11 PROCEEDINGS CONCLUDED

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Certificate of Record

I, Sarah Vokey, certify that this recording is the record made of the evidence in the proceedings in Court of Queen's Bench held in courtroom 212 at Edmonton, Alberta on the 28th day of June, 2019, and that I was the court official in charge of the sound-recording machine during the proceedings.

Certificate of Transcript

I, Debra Diemert, certify that

(a) I transcribed the record, which was recorded by a sound-recording machine, to the best of my skill and ability and the foregoing pages are a complete and accurate transcript of the contents of the record, and

(b) the Certificate of Record for these proceedings was included orally on the record and is transcribed in this transcript.

Debra Diemert, Transcriber

Order Number: AL-JO-1003-7298

Dated: August 7, 2019