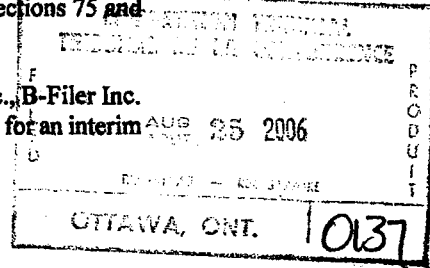


COMPETITION TRIBUNAL

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended;

IN THE MATTER OF an application by B-Filer Inc, B. Filer Inc. doing business as GPAY GuaranteedPayment and NPay Inc. for an order pursuant to section 103.1 granting leave to make application under sections 75 and 77 of the *Competition Act*;

AND IN THE MATTER OF an application by B-Filer Inc., B-Filer Inc. doing business as GPAY GuaranteedPayment and NPay Inc. for an interim order pursuant to section 104 of the *Competition Act*.



BETWEEN:

**B-FILER INC., B-FILER INC. doing business as
GPAY GUARANTEEDPAYMENT and NPAY INC.**

Applicants

- and -

THE BANK OF NOVA SCOTIA

Respondent

**REPLY AFFIDAVIT OF CHRISTOPHER MATHERS
(Sworn August 24, 2006)**

**I, CHRISTOPHER MATHERS, of the City Of Toronto, in the Province of Ontario,
MAKE OATH AND SAY:**

1. I have lectured and provided training in anti-money laundering ("AML") to both private and public sector organizations in more than 15 countries. I have provided advice and assistance on money laundering compliance and organized criminal activities to various public sector organizations, including the Canadian Bar Association, the Investment Dealers Association, the Ontario Securities Commission, the Toronto Stock Exchange, as well as advice to organizations in numerous foreign jurisdictions.

2. For 20 years, between 1975 and 1995, I was a member of the Royal Canadian Mounted Police (the RCMP). During most of my career with the RCMP, I worked undercover with the RCMP, and also with the U.S. Drug Enforcement Administration and the U.S. Customs Service. I was a senior undercover operator with the RCMP Proceeds of Crime Section, where I established and operated a number of “store front” money laundering businesses in Canada and the U.S., targeting Columbian, Russian and Asian organized crime groups.

3. I retired from the RCMP in 1995 and joined the Forensic Division of the International accounting firm KPMG. In 1999, I was appointed to the position of President of KPMG Corporate Intelligence Inc. I was responsible for international due diligence, asset recovery operations, and the investigation and prevention of organized crime and money laundering. I reported directly to the Chairman of KPMG. In this position, I provided advice to corporations, governments and individuals in the areas of foreign due diligence and threat assessment, corruption, money laundering compliance, fraud prevention and foreign and domestic information gathering.

4. I have written and lectured extensively on issues relating to money laundering. I also authored a non-fiction book in 2004 entitled “*Crime School: Money Laundering*” which has been published in both the United States and Canada and will be published in China and Estonia in 2006.

5. I have been qualified as an expert witness in money laundering in the Ontario Provincial Superior Courts.

6. I have reviewed the Affidavit of Jack Bensimon. The purpose of this affidavit is to reply to the issues raised in Mr. Bensimon’s Affidavit insofar as they relate to Scotiabank’s business justification for terminating the Applicants’ accounts that is within my particular area of expertise,

namely, Scotiabank's concerns about Anti-Money Laundering issues with respect to the Applicants' business.

7. I have organized my report by paraphrasing or quoting from Mr. Bensimon's affidavit on issues to which I wish to respond, followed immediately thereafter by my response in relation to the particular assertion.

Mr. Bensimon's Assertion

8. The Respondent has failed to conduct an appropriate risk assessment. An appropriate risk assessment would include, while is not limited to, AML risk assessment, account risk assessment, and account risk profiling. These are consistent with using the well established risk-based industry standard approach for evaluating the relative risk of conducting business with MSBs. They form the basis for the overall risk assessment of the Applicants AML risk to the Bank of Nova Scotia.

My Response

9. It is apparent from the documentation that the Applicants were not forthcoming with respect to information. For example, when the AML group (Mr. Kosek) asked Mr. Woodrow (the Branch Small Business Officer) before a decision was made to terminate the Applicants' accounts to request the Joint Venture Agreement between the Applicants and UseMyBank, this information was not forthcoming. It is also apparent from the transcripts of Mr. Grace's various examinations, especially in the Alberta proceeding and during cross-examinations in December 2005 in this matter, that he has been unwilling to produce information that would be necessary for Scotiabank to undertake an AML risk assessment.

10. Because of the lack of information supplied to Scotiabank, Scotiabank was not in a position to perform an AML risk assessment of the Applicants' business prior to termination of the banking relationship. It is noteworthy that there numerous reasons for the termination of the banking

relationship, only one of which was a concern about AML issues. Although BNS did not perform an AML risk assessment, that is essentially what I have done for them in my original affidavit.

Mr. Bensimon's Assertion

11. The Respondent's expectations as they relate to meeting specific AML regulatory thresholds go far beyond what is reasonably mandated by FINTRAC, and impose an unnecessary regulatory burden that places the Respondent as an implicit *de facto* regulator of MSBs, rather than a facilitator to the MSB customer.

My Response

12. I stand by the information in my original Affidavit with respect to Scotiabank's obligations in providing banking services to this Money Services Business. All AML legislation, it could be argued, places a financial institution in the role of *de facto* regulator, in the manner by which an FI is obligated under statute to "Know Their Customer", perform due diligence and surveil and report transactions for suspicious activity.

Mr. Bensimon's Assertion

13. The Applicants are operating an MSB. They are a customer of the bank and not an agent of the bank. The Respondent by no means has regulatory jurisdiction over the supervision of MSBs. The Respondent is required, however, to perform reasonable due diligence procedures to ensure that MSB customers meet minimum acceptable FINTRAC requirements.

My Response

14. Although Scotiabank does not have "regulatory jurisdiction" over an MSB, it certainly has a requirement by statute to ensure that it is not participating in transactions that place the financial institution at risk. In order to reduce risk, the institution needs to take the necessary steps to avoid becoming involved in transactions that could potentially be associated to illegal activity. It must also

be wary of the danger of co-mingling funds of an unknown ultimate source (and possibly an illegal source or for an illegal purpose) with those of their legitimate customers.

Mr. Bensimon's Assertion

15. The Respondent's position that the UseMyBank MSB does not comply with FINTRAC requirements, sufficient to warrant account maintenance, does not stand up to the scrutiny of established AML guidelines. The Respondent appears to be using AML regulatory arguments to justify the closing of MSB accounts on the basis that they failed to generate sufficient revenues. There is limited Canadian based empirical MSB research. However, recent research published by the American Bankers' Association (ABA) in June 2006 can be used as a point of reference. The ABA indicates that legitimate MSBs generate relatively marginal revenue (relative to other types of businesses) for banks, and consequently, do not make for a favorable cost-benefit tradeoff. The independent risk assessment conducted as part of this opinion sheds light on the *overall* low risk exposure of the UseMyBank MSB.

My Response

16. I disagree with Mr. Bensimon. The Applicants' activities are high risk to Scotiabank, and to the other financial institutions who have provided banking services to the Applicants. I am not aware of any evidence in the record that suggests that Scotiabank terminated the Applicants for the collateral reason that they only generated "marginal revenue".

Mr. Bensimon's Assertion

17. While the Applicants have several AML regulatory compliance gaps, the conducted and attached independent risk assessment shows that these are considered to be low inherent risk in the *aggregate*. It is strongly recommended that remedial efforts be made to close such gaps. This should further reduce the risk exposure to the Respondent, comply with all FINTRAC requirements, and impose internal controls to mitigate further risks.

My Response

18. The applicants don't have gaps. They have no AML compliance framework whatsoever. To consider this situation as "low inherent risk" is reckless and certainly does not subscribe to accepted international AML practices.

Mr. Bensimon's Assertion

19. The method for transacting online payments is through securing the customer's bank card information and online password, and entering into the customer's account online to effectuate any transfers to finance customer service purchases. Although this method of effectuating money transfers has privacy compliance implications, it does not violate the requirements set out by FINTRAC for MSBs.

My Response

20. Mr. Bensimon admits that the manner in which the Applicants conduct business has privacy compliance implications. From all of the information produced as part of the record, this was a significant issue for Scotiabank, and, in addition to AML concerns, a central reason why the Applicants' banking services were terminated by Scotiabank.

Mr. Bensimon's Assertion

21. This MSB model is aimed at serving a segment of the population that either does not have or may not be able to secure a credit card (e.g., high credit risk, poor or damaged credit history). While many MSBs are legitimate businesses and serve credible market segments, banks are required under FINTRAC and OSFI regulations to take extra precautions and conduct additional testing to evaluate account risks.

My Response

22. The argument that this MSB is targeting customers that have "high credit risk, poor or damaged credit history" is simply not true, in my opinion. Although players at sports books and

online casinos may, in fact, have all of those personal financial issues due to their gambling activities, UseMyBank is targeting customers who wager at online casinos. That is the main thrust of their business.

Mr. Bensimon's Assertion

23. Given the method of processing transactions, the low volume of transactions, and the purpose for effectuating money remittances, it is my professional view that the Applicants are operating a business on *behalf* of third parties rather than by third parties. Given the Applicants business model, it is a processor of online transactions in which the Applicants do not have any influence nor contribution to its bill payees' operations. The Applicants are not an agent of the bank, but rather a customer of the bank. Agents of banks have different AML standards and tests than an MSB who is a customer of the bank.

My Response

24. This same argument could be put forward by a correspondent bank. A financial institution that is in a correspondent relationship with another financial institution has customers that it serves. The onus rests upon both banks to be aware of the nature of the activities of those customers and can not be precluded by the correspondent institution declaring itself, "a customer of the bank". It is not appropriate, legal or ethical for a bank or an MSB to attempt to avoid regulatory and legal responsibilities through creative interpretation of legislation and regulatory guidelines.

Mr. Bensimon's Assertion

25. This subtle but important distinction can often be lost in both interpretive FINTRAC guidance or in banks applying high risk due diligence criteria as a minimum standard in servings MSBs.

My Response

26. As an AML consultant, I am frequently called upon to provide advice as to the risks associated with a financial institution providing banking services to an MSB. There are inherent risks associated with providing banking services to an MSB. At a minimum, I strongly recommend to banks that, if they choose to provide banking services to an MSB, they must apply high risk due diligence criteria as a minimum standard. The Applicants' business layers on significant additional risks. My advice to Scotiabank would be to refuse to provide banking services or bill status to the Applicants for all of the reasons in my first report.

Mr. Bensimon's Assertion

27. This issue needs to be addressed from a risk-based perspective; that is, the issue is one of *relative* magnitude of the inherent risk given the Applicants MSB, its processes for effectuating money transfers, and its existing state of AML compliance policies and procedures.

My Response

28. It is preposterous to address the Applicants' money laundering potential using a risk-based perspective because the Applicants have absolutely no AML program in place. As such, they are an extremely high risk.

Mr. Bensimon's Assertion

29. The Applicants average transaction value has recently been in the \$82 area, representing a nominal amount of transfer flows to finance customer purchases of gambling services. A suspected terrorist would have to effectuate thousands of purchases at this level to provide for even a small amount of terrorist financing. Terrorist financing often requires larger aggregate sums to finance its illegal activities. Therefore, there is a possibility that through repeat use and manipulation of the Applicant's UseMyBank system, a suspected terrorist can conceivably launder funds to finance terrorist activity.

My Response

30. The amounts involved in terrorist financing are relatively low in comparison to the proceeds of criminal activities such as narcotics trafficking. Financing terrorist activity requires significantly less than the “thousands” of the \$82 transactions that are referred to in the affidavit. Moreover, despite the relatively low “average”, the Applicants have the capacity to transfer much greater amounts of money. The record indicates that banking customers that bank at Royal Bank can transfer \$100,000.00 per transaction using the Applicants’ services. The Applicants seek Scotiabank biller status, and, if granted, Bank of Nova Scotia customers can transfer up to \$49,999.00 per transaction using the services of the Applicants.

31. By way of example of the relatively small amount of money that can be transferred at a given time in order to support a massive terrorist strike, the following is a list of wire transfers that were sent to, and by, the terrorist “pilots” and an associate who were responsible for the attack on the World Trade Center on September 11, 2001.

<i>Date</i>	<i>From</i>	<i>To</i>	<i>Amount</i>
Jul. 19, 2000	United Arab Emirates	USA	\$9,985.00
Aug. 7, 2000	United Arab Emirates	USA	\$9,485.00
Aug. 30, 2000	United Arab Emirates	USA	\$19,985.00
Sept. 18, 2000	United Arab Emirates	USA	\$69,985.00
Sept. 8, 2001	USA	United Arab Emirates	\$2,860.00
Sept. 8, 2001	USA	United Arab Emirates	\$5,000.00
Sept. 9, 2001	USA	United Arab Emirates	\$5,215.00
Sept. 10, 2001	USA	United Arab Emirates	\$5,400.00

Mr. Bensimon’s Assertion

32. Terrorist financiers come from all walks of life, varied professions, and diversified types of businesses. Certain businesses, such as online casinos, may attract more suspected terrorists due to

the ease of effectuating online transfers and perception of a limited verifiable audit trail. However, the Applicants have no control over its payee's AML internal compliance controls.

My Response

33. Although it may be true that the Applicants have no control over the AML compliance levels of their payees (the casinos or their management companies), they should still be aware of the level of their compliance as part of their Know-Your-Customer procedures. If the level of AML compliance is unacceptable then the appropriate action would be to suspend business until there is an acceptable level. Again this is no different from the responsibilities of an FI in a correspondent banking relationship. If "the Applicants have no control over its payee's AML internal compliance controls", then all the more reason for Scotiabank to be concerned.

Mr. Bensimon's Assertion

34. Furthermore, their respective jurisdictions would be responsible for providing AML regulation and guidance.

Mr. Response

35. Online casinos are established in certain offshore jurisdictions because of their illegality in the United States and due to the inherent lack of regulatory and enforcement infrastructure in those jurisdictions.

Mr. Bensimon's Assertion

36. Although there may be some reputational risk exposure from being perceived as allowing the facilitation of money transfers to online gambling casinos through an MSB channel, the Applicants history with the bank has not demonstrated evidence of conducting other suspicious business activity or 'restricted businesses' so as to generate regulatory scrutiny or internal policy breaches of bank code of acceptable customer conduct.

My Response

37. I have conducted approximately 50 due diligence assignments on the owners, operators and employees of online casinos in a number of jurisdictions. I have attended on the premises of online casino operations and sports books and I am familiar with their function, structure and the logistics of their operations. In my experience, the gaming industry, whether land-based or online, is attractive to the criminal element because of its anonymity, use of multiple jurisdictions and loose regulatory structure in offshore financial centres. Conducting financial transactions with online casinos is a high-risk business and requires very significant AML controls in order to avoid becoming associated with criminal activity.

38. Off-shore on-line internet casinos, while generating many millions of dollars in revenue annually, are in fact low-budget businesses, that run on a shoestring. The office premises generally consist of a desk or two, and a few computer servers. Attached hereto and marked as Exhibit "A" are coloured photographs taken by me during my attendance at the premises of an off-shore on-line casino in Antigua.

39. It is very easy to place money with an offshore casino using the Applicants' and UseMyBank's services.

40. On Aug 24, 2006, I visited the Internet website for an online casino known as Europa Casino, located at <http://www.europacasino.com> (Exhibit "B"). I downloaded casino gaming software from this site that would allow me to play a variety of casino games. I then visited pages on this same site that provided me with a list of payment options (Exhibits "C" and "D"), including the service offered of UseMyBank.

41. I visited the Cashier pages (Exhibits "E", "F", "G" and "H") and registered as a player, providing my personal details. In addition, I created a personal password in order to access the gaming areas of the website. I was subsequently accepted as a player and provided with a username (Exhibits "I" and "J").

42. Upon entering the online casino "lobby", I received a pop-up screen (Exhibit "K") that advised me that I had insufficient funds to continue. I was then directed to the cashier in order to make a deposit.

43. I proceeded to the cashier page (Exhibit "L") where I selected UseMyBank from a menu of various payment systems. A subsequent cashier screen appeared (Exhibit "M") and I was invited to make a deposit with the casino using UseMyBank as a payment method. I indicated that I wished to deposit USD \$100.00 and I was transferred to another screen that required me to indicate my online banking provider (Exhibit "N") which I did.

44. I was taken to a page (Exhibit "O") that allowed me to confirm Bank of Montreal as my online banking provider and prompted me to provide my bank card number and password (PIN).

45. I was then taken to a subsequent page (Exhibit "P") that indicated my various personal accounts and their respective balances and prompted to select an account from which the payment would be made. I did so and I was taken to another page (Exhibit "Q") where I was provided a transaction and receipt number. A pop-up screen indicated that my UseMyBank deposit had been approved.

46. I then signed on to the Bank of Montreal Internet banking site (Exhibit "R") and observed that \$116.00 had been debited from my chequing account. The description of the transaction

identified GPay and classified the transaction as “online/telephone banking” from a list of transaction codes (Exhibit “S”).

47. Several minutes after the transaction, I received confirmation by email (Exhibit “T”) from Europa casino indicating that USD \$100.00 had been credited to my casino account.

48. I then received confirmation by email (Exhibit “U”) from UseMyBank that I had made a payment to Interpay Processing Limited in the amount of CAD \$116.00 as well as an email from UseMyBank (Exhibit “V”) welcoming me to their service.

Mr. Bensimon’s Assertion

49. Were the account to be maintained by the Respondent for the Applicants, the Bank of Nova Scotia would be expected to conduct a risk assessment of the account and the due diligence on the nature of the MSB. Some of the elements of such a risk assessment may include items covered in the independent risk assessment included in the Appendix. The Bank of Nova Scotia does not appear to have conducted and documented a thorough risk assessment and AML risk ranking methodology of the account that would yield to established FINTRAC due diligence procedures and tests to determine if the account was low, medium or high risk.

My Response

50. See my earlier comments with respect to the Applicants’ failure to provide information requested by Scotiabank’s AML group, including the Joint Venture agreement, as well as the Applicants’ refusal to provide information about the identity of their customers and the jurisdictions in which they operate, especially in the Alberta proceeding and early in this proceeding. The Bank of Nova Scotia did not have the necessary information to conduct the risk assessment. Provided that the necessary information is forthcoming, the use of risk ranking methodology is one of several steps that a FI should take in assessing a potential customer. In each case, it is equally, if not more,

important to examine the individual customer's commercial activity. In this manner, a financial institution can ensure that the use of risk ranking methodology, which is general in nature, has not overlooked specifics of a customer's business that may be high risk, such as gaming.

Mr. Bensimon's Assertion

51. The Applicants business does not maintain the same or comparable level of transparency as the banks as they relate to AML controls required under FINTRAC. The independent risk assessment discovered in Phase I Test Results (Appendix B) indicates that the Applicants have several important gaps with respect to the development, implementation and monitoring of a compliance regime. The following weaknesses were identified and considered material and require remediation in order to reduce the inherent account risk level for an MSB customer:

- (i) The appointment of a designated Compliance Officer;
- (ii) Compliance Policies and Procedures;
- (iii) Testing of Policies and Procedure; and
- (iv) Compliance training programs.

My Response

52. These are not simply "weaknesses" or "gaps". GPay did not subscribe to even the most basic tenets of anti-money laundering compliance. They had no significant AML procedures in place. The 4 basic tenets of AML compliance, as listed above, have been completely ignored. This would render any subsequent risk-based analysis irrelevant.

Mr. Bensimon's Assertion

53. Remediating these deficiencies and regularly monitoring their implementation would further reduce the *residual risk* of the MSB account for the Bank of Nova Scotia.

My Response

54. I question the phrase “further reduce the risk”. I see no activities in the evidence that the Applicants or UseMyBank have taken any significant initial steps at all to reduce the AML risk. The use of risk-based assessment methods to reduce a FI's AML exposure is a valuable and well-accepted practice amongst compliance practitioners. However, to rely upon it as the sole method of identifying risk, is inadvisable. Robust Know-Your-Customer and due diligence policies, combined with a specific review, by a compliance officer or AML specialist of each customer's activity are absolutely essential if an FI is committed to a comprehensive program of AML prevention.

Conclusion

55. Mr. Bensimon's report serves to shed light on the degree to which the Applicants have utterly failed to meet any of the significant obligations imposed upon them with respect to AML compliance. Mr. Bensimon also confirms that the Applicants are operating as a Money Services Business, a fact which the Applicants have steadfastly refused to admit, despite the fact that their business clearly falls within the Money Services Business definition in the AML legislation.

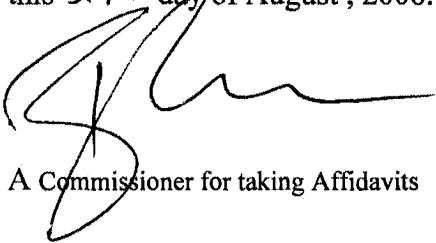
56. Mr. Bensimon's conclusion that the Applicants' business represents a low risk to Scotiabank in the aggregate is completely unfounded, and is unsupported by Mr. Bensimon's own conclusion about the Applicants' degree of non-compliance, given the virtual non-existence of any AML compliance regime.

57. As someone who routinely advises financial institutions with respect to their obligations in relation to Money Services Business, my advice to Scotiabank, particularly in view of the conclusions reached by Mr. Bensimon, would be to terminate any existing relationship with the Applicant.

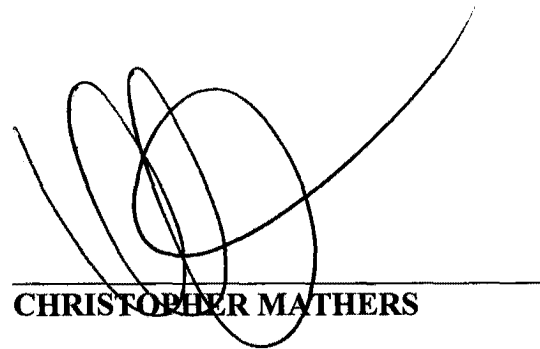
58. If Scotiabank were required to offer banking services to the Applicants, the Applicants' manner of conducting business, the merchant customers they serve, their failure to take responsibility for their AML compliance, their failure to disclose information to the Bank of Nova Scotia, and their failure to be forthcoming with respect to information within this proceeding lead me to conclude that the Applicants' business is extremely risky from an AML perspective. Scotiabank would be ill-advised to provide any banking services to the Applicant, regardless of their apparent last minute assertions to Mr. Bensimon in the face of his comprehensive criticism of their AML procedures to immediately implement an AML regime.

59. I then attended at the Bank of Montreal and changed my online banking and ATM password (PIN).

SWORN before me
at the City of Toronto
this 24th day of August, 2006.

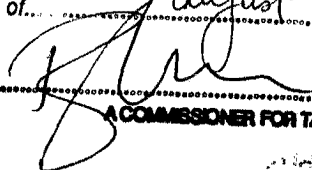

A Commissioner for taking Affidavits

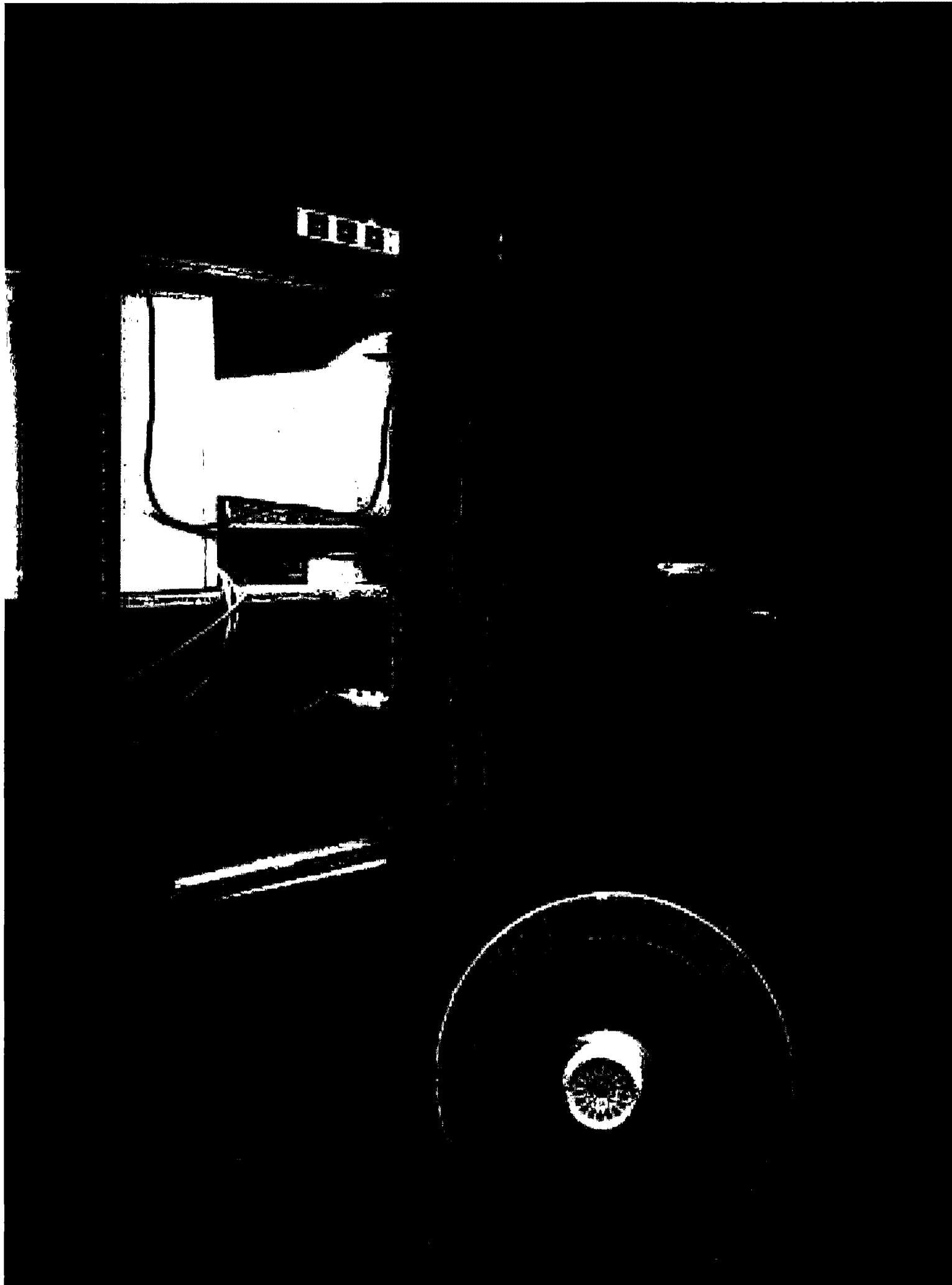
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CHRISTOPHER MATHERS



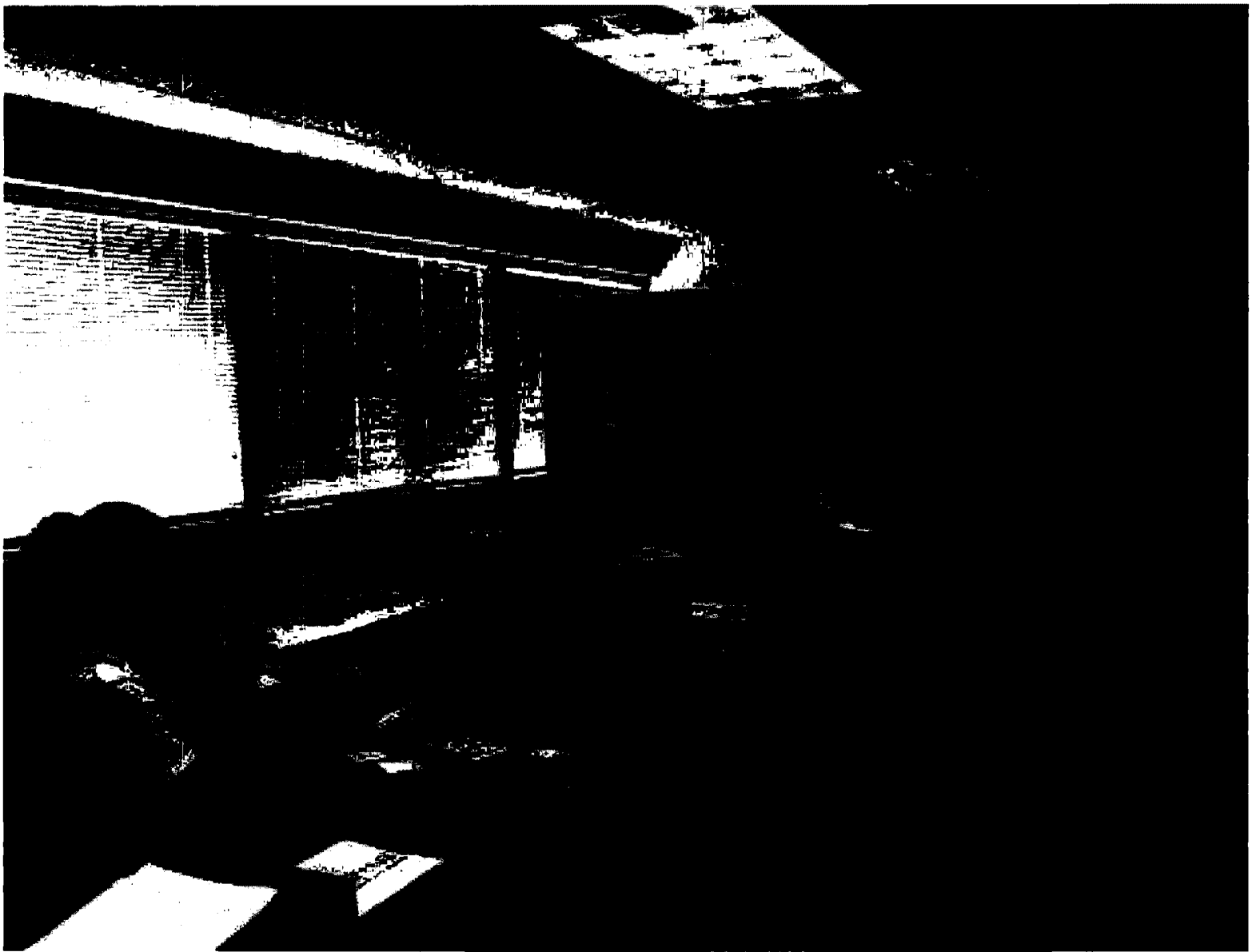
This is Exhibit A referred to in the
affidavit of Christopher Mather
sworn before me, this 24th
day of August 2006


A COMMISSIONER FOR TAKING AFFIDAVITS













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Europa Casino's software was developed and is maintained by PlayTech, one of the leading online gaming software companies, with vast experience from the "brick and mortar" casino world. Europa Casino's games bear the official approval of the Online Players Association (OPA), which has periodically verified that our games are true and fair. We greatly value our clients' patronage and strive to establish trustful relationships with each and every individual. We guarantee a prompt, personal reply to all inquiries 24 hours a day, 7 days a week from our customer service personnel, who are the most professional and efficient in the industry.

Europa Casino will give you a 100.00% cash match bonus (up to \$100.00) on your first deposit. The bonus will be added to your account immediately after you have made your first purchase. Your initial wager (the deposit and bonus amount) at least 15 times before you can cash in any winnings. Bets placed on roulette, craps, roulette and sic bo do not count towards the wagering requirements. Please check the casino website for the Terms and Conditions that apply to this bonus. This bonus may not be combined with any other bonus unless otherwise stated. In the interest of fair gaming in order to cash out any amount of money you must wager at least fifteen (15) times your bonus plus deposit. If you withdraw before having reached the minimum wagering requirements, your bonus and winnings will be void. Wherein you make a deposit using FinPay, NETeller, InstaCash, Moneybookers, EcoCard, Paysafecard, iDebit, MUPay, Instadebit or i-Sweepstakes.

We will award you a 10% bonus free in cash (AML) if you make a deposit using Wire Transfer or Bank Let us will award you with a 12% bonus free in cash. For example: You must deposit at least \$50 to qualify for this bonus. The appropriate sum of bonuses you may receive is limited to \$250 per month, per account. The appropriate sum of bonuses you may receive overall is \$2,100 per account.

In the interest of fair gaming, you must wager at least 2 (two) times your deposit plus bonus before cashing out any amount exceeding your deposit. For example with the 10% bonus: Deposit \$100, receive a \$10 bonus, wager minimum \$200 (\$100 x 2). You may not use this bonus in combination with another bonus.

Bets placed on Roulette, EuroCard, craps, and Sic Bo do not count toward the wager requirements.

\$25 Weekly Loyalty Bonus (not rewarded each week for choosing to play with iDebit or i-Sweepstakes)

This is Exhibit B referred to in the affidavit of Christopher Mathers sworn before me, this Aug 21st day of August 2006

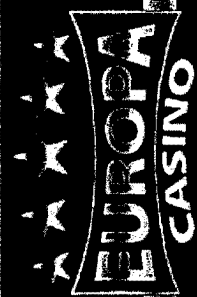
[Signature]

A COMMISSIONER FOR TAKING AFFIDAVITS

affidavit of _____ sworn before me, this _____ day of _____ 2006

A COMMISSIONER FOR TAKING AFFIDAVITS

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:: CASHIER ::

Helpful explanations of our various deposit methods, details on deposits and withdrawals, plus a handy payment method comparison chart - All of the information you need to get started playing for real money at Europa Casino is here:

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- [Payment Options II \(all other players\)](#)
- [Deposits](#)
- [Withdrawals](#)
- [Credit Card Alternatives Table](#)
- [Security](#)

[Troubleshooting](#)

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This is Exhibit C referred to in the
affidavit of Christopher Mathes
sworn before me this 29th
day of August, 2006

[Signature]
A COMMISSIONER FOR TAKING AFFIDAVITS

- Deposit up to \$5,000 per month
- Customer support at 416-542-1590, support@instadebit.com



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- Private & Secure: with INSTADEBIT you don't need to give your private information or credit card number to merchants on the Internet
- Transaction Review: You can review all of your transactions online simply by clicking on the "Consumer Login" button
- Customer Service: You can contact INSTADEBIT by Email at: customer@instadebit.com, chat or Toll Free 24/7: 1-877-880



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Instant online payments for FREE! Credit Cards are not required in order to deposit into your account... and you have the same buying power as cash or debit! Visit www.usemybank.com for more details.

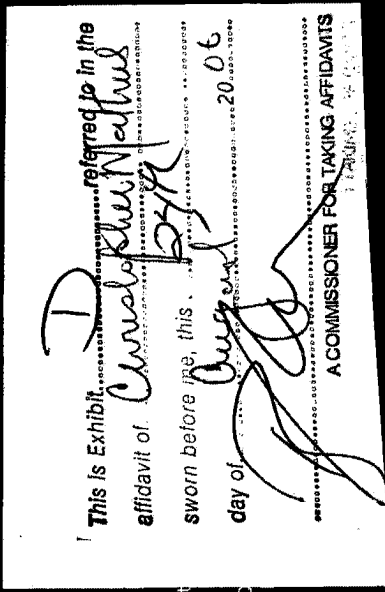
Features

- No Registration process, all you need to supply is a valid email address & telephone number for payment verification. Privacy Assured!
- Automated Online Payment Interface, which provides consumers the ability to make payments at their own financial institution's supported Internet site.
- Real-time verification payments.
- Customer Support is available via Telephone: 1-866-672-2265 or Email at: support@usemybank.com



Bank drafts and personal checks can be mailed directly to Europa Casino for deposit. All Bank drafts and personal checks will be awarded with a 15% bonus by the Casino. Upon receipt, bank drafts typically take 10 business days to clear, while personal checks take 21, at which time your account will be credited. Make checks payable to "XPRESS PAYMENT SYSTEMS LTD.", include your account and personal information, and mail them to:

XPRESS PAYMENT SYSTEMS LTD.
P.O. Box 27142
1642 - Nicosia
Cyprus





CASHIER

REGISTER REAL ACCOUNT



HELP ?

Page 1 of 3

Title:

First Name:

Last Name:

Date of Birth:

Gender:

Male Female

E-mail address:

Verify E-mail:

This is Exhibit E referred to in the affidavit of Christopher Maluul sworn before me, this 12th day of August 2006

A COMMISSIONER FOR TAKING AFFIDAVITS

next >>



CASHIER

REGISTER REAL ACCOUNT



? HELP

Page 1 of 3

Title:

Mr.

First Name:

Chris

Last Name:

Mathers

Date of Birth:

11 Oct 1954

Gender:

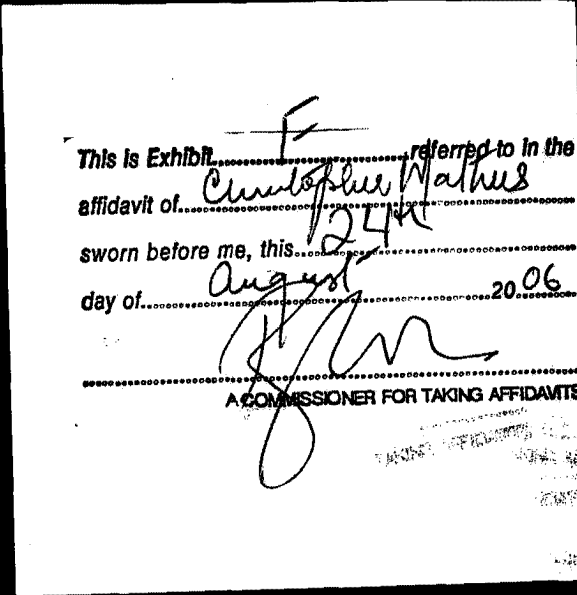
Male Female

E-mail address:

chris@chrismathers.com

Verify E-mail:

chris@chrismathers.com



next >>



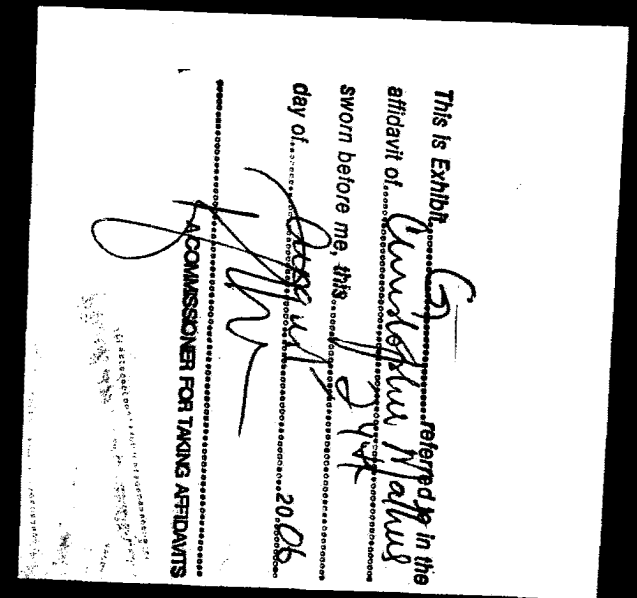
CASHIER



REGISTER REAL ACCOUNT

Page 2 of 3

Address:	79 Havagal Cr.
City:	Markham
State:	Ontario
Country:	Canada
Zip/Postal Code:	L4A 7G6
Phone:	4168608081
Cell Phone:	4168608081
Work Phone:	4168608081
Fax:	4168600003
Occupation:	Consultant



<< back

next >>



CASHIER

REGISTER REAL ACCOUNT



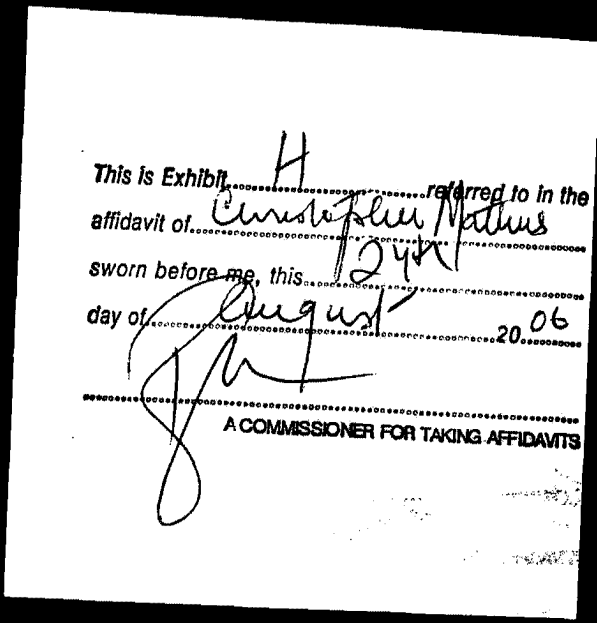
? HELP

Page 3 of 3

Please enter your Password again for verification purposes.

Password:
 Verify Password:
 Currency:
 Bonus Code:

I agree to terms and conditions



cancel



CASHIER

REGISTER REAL ACCOUNT



? HELP

WELCOME TO EUROPA CASINO!

Your Real Money Account was successfully created!

Please write the following information down, keep it confidential and use it any time you want to play for Real Money

Your Username is: **1111111111**

An email message was also sent to the email address you provided with the above account details and other helpful information.

Enjoy your time at the Europa Casino!

CONTINUE

This is Exhibit I referred to in the affidavit of Christopher Mathus sworn before me this 21st day of August 2006

COMMISSIONER FOR TAKING AFFIDAVITS



WELCOME TO EUROPA CASINO!

The following contains vital information -- please read it carefully.

Dear Chris Mathus,

Congratulations on opening a Real Money account at Europa Casino! You are just seconds away from playing at the most advanced, secure, and rewarding casino online.

The following is some information that should make your experience with us as enjoyable as possible, so please save this email message for future reference.

ACCOUNT INFORMATION

Username: CER47788612

Password: 123456

Please note that you must be connected to the Internet at all times when playing at the Casino in Real money mode.

Europa Casino accepts U.S. dollars, Euros, and Pounds Sterling. Bonus amounts are the same in all currencies: \$300 = €300 = £300.

YOUR FIRST DEPOSIT

Deposits are made at the Cashier, which is located in the lobby of the Casino software. Europa Casino accepts payment by many different payment methods, including credit and debit cards, NETeller, InstaCASH, Citadel, FirePay, eMailAddress, MoneyBookers, UseMyBank, INSTABEBBIT, Ukash, ePassports, Click2Pay, Wire Transfer and Bank Draft so you are sure to find one that is best for you. Please look for the online payment section on our home page: <http://www.europacasino.com/>

\$2,400 WELCOME BONUS!!!

Get started at Europa Casino with a 100% bonus up to \$100 on your first deposit with the casino! Simply make your first deposit and your bonus will be credited to you instantly, e.g. your \$50 deposit will automatically become \$100 in your account!

Thereafter, you'll receive an instant 100% bonus up to \$100 on your first deposit of each new month! This bonus is good for a full year, giving you up to \$1,200 annually!

This is Exhibit J referred to in the affidavit of Christopher Mathus sworn before me, this August 24th day of August 2006.

John

A COMMISSIONER FOR TAKING AFFIDAVITS

Europa Club



EUROPA CASINO

- CARD & TABLE GAMES
- LIVE GAMES
- VIDEO SLOTS
- PROGRESSIVE GAMES
- REGULAR SLOTS
- ARCADE GAMES
- BONUS GAMES
- VIDEO POKERS
- FAVOURITE GAMES

This is Exhibit 12 referred to in the affidavit of Christopher Mathue sworn before me, this 24 day of August, 2006

[Signature]
 A COMMISSIONER FOR TAKING AFFIDAVITS

You have insufficient funds in your balance to continue gaming.
 Would you like to go to the cashier and make a deposit?

OK CANCEL

- INVITE A FRIEND
- LATEST PROMOTIONS
- CONTACT US



YOU ARE PLAYING FOR REAL MONEY



CURRENCY CHANGE
 \$0.00

- OPTIONS
- HELP
- EXIT



CASHIER



ONLINE SUPPORT HELP

DEPOSIT

Credit Card	NETeller	InstaCash	Epassporte	Immediate Deposit	FlexPay	InstaBills	Citadel Commerce	MyCitadel
Click2Pay	OnDemandFunds	Central Cash	WalleXpress	Moneybookers	NetMYBank	EcoPay	Travel Funds	Bank Draft
Wire Transfer	Cancel Withdrawal	Citadel eCheck						

Card type:

Card number:

Card Owner's First Name:

Card Owner's Last Name:

Expiration Month:

Expiration Year:

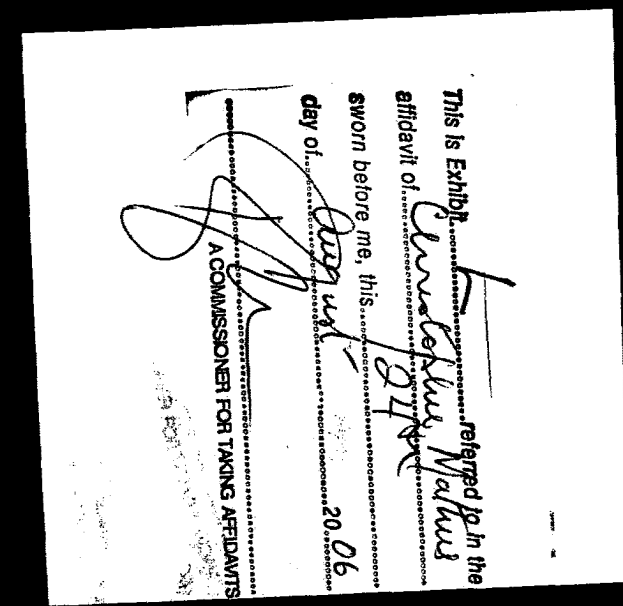
Billing Address:

City:

State:

Zip/Postal Code:

Country:



REGISTER



CASHIER

DEPOSIT



ONLINE SUPPORT HELP

Credit Card	NETeller	InstaCash	Epasports	Immediate Deposit	Freeplay	InstaDebit	Global Commerce	MyCasino
Click2Pay	OnDemandFunds	Central Coin	ewalletpress	Moneybookers		EcoCard	PayVoucher	Bank Draft
Wire Transfer	Globalcheck							

Username: CER47788612 Current Balance: \$0.00

Amount to deposit:

DEPOSIT

UseMyBank

Good news for our Canadian Players

Pay instantly with your online bank for **FREE!**

UseMyBank allows you to use your existing Online Banking bill payment service with each of the supported Banks to make payments to your casino account

Instant online payments for **FREE!**
Credit Cards are not required to deposit to your account!
...and you have the same buying power as **cash** or **debit!**

This is Exhibit M referred to in the
 affidavit of Christopher Mathus
 sworn before me, this 24th
 day of August 2006

[Signature]
 A COMMISSIONER FOR TAKING AFFIDAVITS



<< Back

Payment Page for: Interpay Processing Limited

Payment Information

UseMyBank is authorized to facilitate and accept bill payments for usemybank1@800pay.com using:
Bank of Montreal

Payment to : usemybank1@800pay.com

Payment for : europa

Payment amount : \$100.00 [USD]

Item ID/Number : CE22136031

Buyer Name : Chris Mathers

Buyer Email Address : chris@chrismathers.com

Buyer Contact Phone : 4168608081

Notice : By making a payment you have agreed to the
Terms and Conditions of Use and Privacy Policy.

Please select your preferred Online Banking Provider and select Continue.

-- Online Banking Provider --

Continue

Protected by
UseMyBank

ipsCA
Secured

Privacy Bot
Click to learn more

HACKER SAFE
TESTED DAILY 23-AUG

* All trademarks used or referred on this site are the property of the respective companies and/or owners.

This is Exhibit referred to in the
affidavit of *Christine Mathers*
sworn before me, this *24th*
day of *August*, 20 *06*
[Signature]
COMMISSIONER FOR TAKING AFFIDAVITS

<< Back

Payment Page for: Interpay Processing Limited

Payment to : usemybank1@800pay.com

Payment For : europa

Payment Amount : \$116.00 [CAD] (\$100.00 [USD])

Exchange rate (+4%) provided by Bank of Canada.

Item ID/Number : CE22136191

Your Bank Of Montreal Canada client ID is : NPAYEDX4168608081

You have selected **Bank of Montreal** please provide your Online Banking Login Information to proceed with selecting the account to make this payment from, and select Continue. Not registered? Not sure? Click here to find out more.
For security reasons, your Online Banking Login information IS NOT stored, logged, maintained, or otherwise kept.

Yes, I am an existing online banking customer

Bank Card:

500766

Password:

No, tell me how to sign up

[Click here](#) and we'll take you to our Online Banking Registration Instructions Page. You will find instructions on 'how to' activate your account.

This is Exhibit..... referred to in the
affidavit of.....
sworn before me, this.....
day of.....
2006.
A COMMISSIONER FOR TAKING AFFIDAVITS

<< Back

Payment Page for: Interpay Processing Limited

Payment to : usemybank1@800pay.com

Payment For : europa

Payment Amount : \$116.00 [CAD] (\$100.00 [USD])

Exchange rate (+4%) provided by Bank of Canada.

Item ID/Number : CE22136191

Your Bank Of Montreal Canada client ID is : NPAYEDX4168608081

We have signed onto **Bank of Montreal** on your behalf, and retrieved your account information.

IP address to be recorded : 74.121.67.144

Please select your Account for payment and select Confirm to make the payment.

Chequing \$

Confirm

Protected by
LiveMileBank

eipsCA
Secured

PrivacyBot
Click to Verify this Site

HACKER SAFE
TESTED DAILY 23-AUG

* All trademarks used or referred on this site are the property of the respective companies and/or owners.

This is Exhibit P referred to in the affidavit of *Christine Marie Nadeau* sworn before me, this *August 23rd* day of *2006*
A COMMISSIONER FOR TAKING AFFIDAVITS

<< Back

Payment Page for: Interpay Processing Limited

Payment to : usemybank1@800pay.com
 Payment For : europa
 Payment Amount : \$116.00 [CAD] (\$100.00 [USD])
 Exchange rate (+4%) provided by Bank of Canada.
 Item ID/Number : CE22136341

Your Bank Of Montreal Canada client ID is : NPAYEDX4168608081

This is Exhibit Q referred to in the
 affidavit of Christopher Mathers
 sworn before me, this 24th
 day of August 2006

 A COMMISSIONER FOR TAKING AFFIDAVITS

We have signed onto **Bank of Montreal** on your behalf, and facilitated a bill p...

- Your bill payment will be processed by GPAY.
- Your payment to usemybank1@800pay.com has been accepted.
- The amount of \$116.00 <\$100.00 - USD> was paid.
- Your GPAY Client ID for this transaction at **Bank of Montreal** was NPAYEDX4168608081.
- Your Invoice number for this transaction is 428-235-06-232.
- An Email receipt of this transaction been send to chris@chrismathers.co
- If you would like to keep a copy of this information, please use 'Save As' c...
page from your browser.

Select 'Return to Interpay Processing Limited' to be returned.

Return to Interpay Processing Limited

EUROPA CASINO

Your UseMyBank deposit has been approved. We hope you have a great stay in our casino. Good luck!

OK



* All trademarks used or referred on this site are the property of the respective companies and/or owners.

This is Exhibit R referred to in the affidavit of Christopher Mathers sworn before me this 13th day of August 2006



WILLIAM MATHERS

contact us | help | 中·英·印·法 | sign out

Sign In

Other Services/Accounts...

GO

A COMMISSIONER FOR TAKING AFFIDAVITS

Financial Summary

Bill Payments

Transfers

Message Centre

Personal Information

Accounts & Plans

Investments

Mortgages & Loans

My Summary

View Account Details

Download Account Details

Modify My Summary

BMO Account Tracker

Account Details – Chequing

PRINT

View Account Details

- ▶ Chequing
- ▶ Savings
- ▶ Other 1 USD
- ▶ MasterCard
- ▶ Personal Line of Credit

Account	Transit	Account #
Interest Chequing Account	0002	

View Option:

View Date Range

or



Transaction History

(Click column title to sort. Running Balances only available when sorting by date.)

Date	Code	Description	Debit	Credit	Balance
		Balance Forward			
Aug 10, 2006	PR				
Aug 11, 2006	IB				
Aug 14, 2006	PR				
Aug 15, 2006	DS				
Aug 16, 2006	DS				
Aug 18, 2006	PR				
Aug 21, 2006	CW				
Aug 21, 2006	CW			\$500.00	
Aug 21, 2006	PR				
Aug 23, 2006	CW	GPAY	\$116.00		
Balance			Chequing 0002 8274-871		

Short Cuts

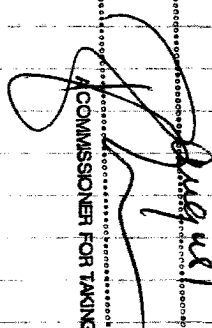
- ▶ Change Address
- ▶ Cash Advance
- ▶ Open a Premium Rate Savings Account
- ▶ Combine Accounts onto one monthly statement
- ▶ View Bills Online

Tools & Info

- ▶ Choose Your Plan
- ▶ Mosaik® MasterCard®
- ▶ MasterCard® Outstanding Balance Insurance
- ▶ Accident Protection Plan
- ▶ Send an Interac Email Money Transfer

Transaction Codes

AB	Air Miles Instabank	IB	Instabank®/QuickCash™
AD	Adjustment	IN	Interest
AL	Air Miles Online Debit Purchase	LI	Loan Interest
AM	Air Miles Purchase at merchant	LN	Loan Payment
AP	Air Miles Pre-authorized debit	LP	Loan Advance
AR	Air Miles Merchandise return	LT	Large Volume Account List Total
AT	Air Miles Direct Deposit	MB	Multi-Branch Banking®
AV	Air Miles Online Debit Refund	NR	Non-Resident Tax
AW	Air Miles Bill Payment	NS	Cheque Returned NSF
CB	Cheque Posted by Branch	NT	Nesbitt Burns Entry
CC	Certified Cheque	OL	Online Debit Purchase
CD	Customer Deposit	OM	Other Automated Banking Machine
CK	Cheque	OV	Online Debit Refund
CM	Credit Memo	PR	Purchase at Merchant
CW	Telephone/Online banking	RC	NSF Charge
DC	Other Charge	RN	Merchandise Return
DD	Direct Deposit/Pre-authorized Debit	RT	Returned Item
DM	Debit Memo	RV	Merchant Reversal
DN	Not Service chargeable	SC	Service Charge
DR	Overdraft	SO	Standing Order
DS	Service chargeable	ST	Merchant Deposit
EC	Error Correction	TF	Transfer of Funds
FX	Foreign Exchange	TX	Tax
GS	Tax	WD	Withdrawal

S
 This is Exhibit referred to in the
 affidavit of
 sworn before me, this
 day of 20 06

 A COMMISSIONER FOR TAKING AFFIDAVITS

From: support@usemybank.com
To: chris@drsmothers.com
Subject: UseMyBank - Buyer Payment Receipt - 428-235-06-232

Sent: Wed 2006-08-23 10:05 AM

You have made a payment to : Interpay Processing Limited
Seller Name : (usemybank1@800pay.com)
Online payment using : bill payment
Payment processed by : GPAY

Transaction Date/Time was : 8/23/2006 10:04:34 AM
Item Description : europa
Item ID/Number : CE22136341
Item Price : \$116.00 CAD
Original Item Price : \$100.00 USD
Conversion Rate used : 1.160016
UseMyBank Invoice Number : 428-235-06-232
The payment was made from : Bank Of Montreal Canada
Your NPAY account : NPAYEDX4168608081

Please keep this information for your records.

Please sign on to Bank Of Montreal Canada directly, view payment history/details, and retrieve your Confirmation Reference.
For Security purposes, the Confirmation Reference along with the Invoice Number will be used to authenticate you to this transaction if you require assistance from NPAY, or UseMyBank.

UseMyBank is a customer focused company. If you have any questions, comments, concerns, or suggestions please feel free to reply to this email, or send an email to support@usemybank.com.

Sincerely,
UseMyBank Services, Inc.

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.405 / Virus Database: 268.11.5/425 - Release Date: 2006-08-22

This is Exhibit 1 referred to in the
affidavit of *Bernice Marie Myhrum*
sworn before me, this *23rd*
day of *August*, 20*06*
[Signature]
A COMMISSIONER FOR TAKING AFFIDAVITS

From: Europa Casino [support@europacasino.com]
To: Chris Mathers
Subject: CER47786612; your UseMyBank deposit

Sent: Wed 2006-08-23 9:57 AM

Dear Chris,

Thank you for choosing Europa Casino.

Your UseMyBank deposit request for the total amount of \$100.00 has been approved and your casino account has been credited with this amount.

Sincerely,

Europa Casino Finance Team

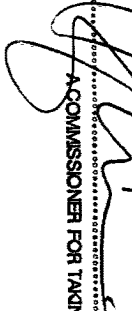
With any problems or concerns, please do not hesitate to contact the Europa Casino support team 24/7 via one of the following methods:

Online chat support - available from the Casino lobby

Email: support@europacasino.com

Toll-free phone (U.S. only): 1-866-463-9271 Toll-free fax: 1-866-847-4349 International phone: 1-268-481-2311 International fax: 1-268-481-2333 / UK Fax: 0207-900-6735

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.405 / Virus Database: 268.11.5/425 - Release Date: 2006-08-22

This is Exhibit referred to in the
affidavit of Christopher Mathers
sworn before me, this 23rd day of August 2006

COMMISSIONER FOR TAMING AFFILIATES

From: contest@usemybank.com
To: chrisc@chrismathers.com
Cc: contests@usemybank.com
Subject: UseMyBank Reward Money contest information

Sent: Wed 2006-08-23 10:22 AM

Hi,

This is a one time email welcoming you to UseMyBank.

Thank You for choosing UseMyBank as your preferred payment option.

During July 18, 2006 to October 31, 2006 you will be automatically entered into the UseMyBank Reward Money contest, where you get the chance win cash and prizes everytime you make a payment. Simply click on <http://rewardmoney.usemybank.com/> for more information.

You also have a chance to win more great prizes by entering the Bounty Hunt contest where you simply enter 'Websites Without UseMyBank' as their payment option. Simply click on <http://bountyhunt.usemybank.com/> for more information.

For any other inquiries please view to our FAQ section at <http://www.usemybank.com/faq.asp>, email us at support@usemybank.com, or call us at 1-888-706-2265.

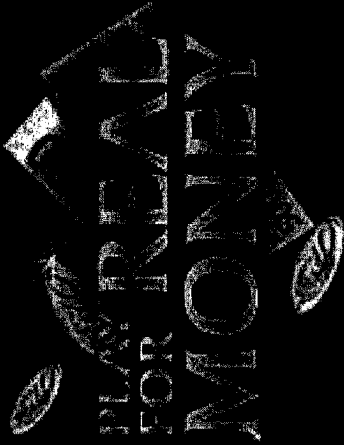
We look forward to our new relationship with you and thank you for your patronage.

Sincerely,

UseMyBank Service Inc.
1-888-706-2265

--
No virus found in this incoming message.
Checked by AVG Free Edition.
Version: 7.1.405 / Virus Database: 268.11.5/425 - Release Date: 2006-08-22

This is Exhibit V
affidavit of Charles H. Williams
sworn before me, this 20th day of August, 2006
Commissioner for Taking Affidavits



PLEASE ENTER YOUR USERNAME
AND PASSWORD TO LOG IN

USERNAME	<input type="text" value="CER47788612"/>
PASSWORD	<input type="password" value="*****"/>
NICKNAME	<input type="text" value="BigAction"/>

<input type="button" value="LOGIN"/>
<input type="button" value="FORGOT PASSWORD"/>

<input type="button" value="HELP"/>	<input type="button" value="EXIT"/>
-------------------------------------	-------------------------------------

From: Chris Mathers [mailto:chris@chrismathers.com]

Sent: Wed 2006-08-23 5:26 PM

To: bonnie@opay.com

Subject: William Mathers

Bonnie

This email is to confirm that William Mathers, Chris Mathers and William Christopher Mathers are, in fact, all me. Because I have always been called Chris, the first name of William has caused me no end of confusion. This is simply one more issue.

Anyway, if there's a problem, or you need more proof of my bona fides, ring me back on my mobile on 416 451 8061.

Thanks

Chris Mathers

--

No virus found in this outgoing message.

Checked by AVG Free Edition.

Version: 7.1.405 / Virus Database: 268.11.5/425 - Release Date: 2006-08-22

Forget Your Password?

FROM THE CREDIT CARD TO
both buyers and sellers

CONTESTS

BOUNTY BOUNTY

click here
for details

REWARD MONEY

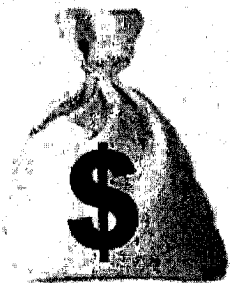
click here
for details



UseMyBank
Financial
Innovation

Try UseMyBank right now and
[make a donation](#)

Attention Sellers!



Start Increasing Profits Today!

Services

For the Seller we offer:

- Direct online real-time payments from over 11 Million online banking Buyers and growing.
- The best transaction fees available on the Internet today.
- No holdbacks.
- No merchant account involvement.
- Quick and convenient direct transfer of funds to your preferred method.

For the Buyer we offer:

- Total control over all payments through your existing online bank account.
- All payments are free.
- No need to Sign Up or any other hidden complications.
- A direct approach to paying for goods and services over the Internet, just like paying cash or direct debit.
- Privacy. We only provide the Seller with your email address for verification.
- Anonymity. We do not store any of your personal information. See our Privacy Pledge
- A simple dispute/resolution mechanism.

For the Billor we offer:

- The ability to **keep your branding!**
- A fully automated solution in taking real-time online instant payments from your customers.
- Full utilization of your existing biller account!
- Increase your customer adoption rate for online bill payments.
- The other half of the online billing solution...real-time payments!

For the Affiliate we offer:

- The ability to earn 5% of the fees generated through Sellers you refer.
- Competitive disbursements.
- Direct payment of disbursements to your preferred method.
- No Signup process, fees, or any other hidden complications for Buyers.

[NEW! LOGIN](#)

Forgot Your Password?

Finally there is freedom
from the credit card for
both buyers and sellers



CONTESTS

BOUNTY

EDUCATION

Click here
for details

REWARD MONEY

Click here
for details

The world's first payment service to use the existing Online Banking Payment Systems.

Sellers

Start accepting instant online debit payments from over 11 million online banking consumers.

Now accepting Sellers from Canada, the United States, and Internationally. [Signup](#) today!

Tell me [how it works](#) or [click here](#) to [Signup](#) today.

Buyers

Use your existing online bank account safely, securely, and conveniently.

Enabling Instant Online Payments for over 11 million online banking consumers.

Tell me [how it works](#) and start making payments [in less than 5 minutes*](#) through UseMyBank!

Financial Institutions

[View Financial Institutions](#)

- United States - Pending
- International - Pending



Try UseMyBank right now and [make a donation](#)

Attention Sellers!



Forget Your Password?

from the credit card for
both buyers and sellers

CONTESTS

BOUNTY HUNT

click here
for details

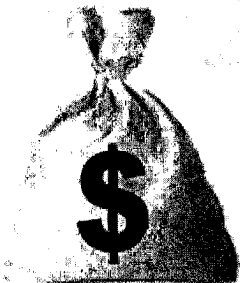
REWARD MONEY

click here
for details



Try Use MyBank right now and
make a donation

Attention Sellers!



Start Increasing Profits Today!

Services

For the Seller we offer:

- Direct online real-time payments from over 11 Million online banking Buyers and growing.
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- No merchant account involvement.
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Forget Your Password?

from the credit card for
both buyers and sellers

CONTESTS

BOUNTY

BOUNTY

REWARD

REWARD
MONEY

click here
for details



Try Use MyBank right now and
[make a donation](#)

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- Direct payment of disbursements to your preferred method.
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BETWEEN :

B-FILER INC.
Applicants

- and -

THE BANK OF NOVA SCOTIA
Respondent

Court File No. CT 2005-006

COMPETITION TRIBUNAL

**REPLY AFFIDAVIT OF
CHRISTOPHER MATHERS
(Sworn August 24, 2006)**

McCarthy Tétrault LLP
Box 48, Suite 4700
Toronto Dominion Bank Tower
Toronto, ON M5K 1E6

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