

Court File No: S1-GS-27636

SUPREME COURT OF PRINCE EDWARD ISLAND
(GENERAL SECTION)

BETWEEN:

CAPITAL MARKETS TECHNOLOGIES, INC. and 7645686 CANADA INC.

PLAINTIFFS;

AND:

GOVERNMENT OF PRINCE EDWARD ISLAND, WES SHERIDAN, STEVE MACLEAN, ALLAN CAMPBELL, CHRIS LECLAIR, BRAD MIX, CHERYL PAYNTER, STEVEN DOWLING, WILLIAM DOW, MELISSA MACEACHERN, ROBERT GHIZ, GARY SCALES, TRACEY CUTCLIFFE, NEIL STEWART, PAUL JENKINS, and 7628382 CANADA CORPORATION

DEFENDANTS.

AFFIDAVIT OF ROBERT GHIZ

I, Robert Ghiz, of Charlottetown, Prince Edward Island, MAKE OATH AND SAY AS FOLLOWS:

1. I was the Premier of Prince Edward Island between June 12, 2007 and February 23, 2015, and I am a named defendant in this proceeding. As such, I have personal knowledge of the matters sworn herein except for information that arises from sources other than my own personal knowledge and, as to that information, the sources are identified and I verily believe the information to be true.

Parties

2. I have never met Paul Maines ("Maines") in my capacity as Premier of Prince Edward Island.
3. During my tenure as the Premier of Prince Edward Island, I had no dealings with Maines, Capital Markets Technologies, Inc. ("CMT"), or 7645686 Canada Inc. ("7645686").

Simplex Consulting Ltd.

4. At no time did I meet with Gary Evans and tell Mr. Evans that I wanted the transaction platform from Simplex Consulting Ltd. to be located in Prince Edward Island.

Employee Removal Request Form

5. Chris LeClair was my Chief of Staff and Deputy Minister. Mr. LeClair's employment in the Office of the Premier ended on October 17, 2011.
6. On October 19, 2011, Heather Jones, who was responsible for correspondence in the Office of the Premier, emailed IT Shared Services ("ITSS") using my email address and asked that Mr. LeClair's email account be cancelled because Mr. LeClair was no longer employed by the Government of Prince Edward Island. Ms. Jones used my email address

- 2 -

- for my correspondence with my consent. ITSS contacted an assistant in the Office of the Premier, Virginia Flood, by email and asked that an Employee Removal Request Form ("Form") be signed. Ms. Flood filled in the Form. True copies of the emails are attached to my affidavit as **Exhibit "1"**.
7. On October 19, 2011, I signed the Form filled in by Ms. Flood. The Form was in relation to Mr. LeClair. Ms. Flood faxed a signed copy of the Form to ITSS. A true copy of the Form is attached to my affidavit as **Exhibit "2"**.
 8. I understood at the time that a Form had to be completed for all employees who were no longer employed by the Government of Prince Edward Island. I also understood that the Form was used by ITSS for the purpose of security and administration of email accounts. After a Form was completed and delivered to ITSS, I understood that former employees of the Government of Prince Edward Island would no longer have access to their accounts. I had no knowledge of the procedures followed by ITSS after a Form was received.
 9. On October 19, 2011, I had no knowledge of any emails in the email account of Mr. LeClair that related to Maines, CMT, or 7645686.
 10. On October 19, 2011, I had no knowledge of any memorandum of understanding involving 7645686.
 11. On October 19, 2011, I had no knowledge of CMT or 7645686.

Proposal to License and Regulate Internet Gaming

12. Between approximately 2009 and early 2012, the Mi'kmaq Confederacy of Prince Edward Island ("Mi'kmaq Confederacy") and the Government of Prince Edward Island cooperated on an economic development initiative to license and regulate internet gaming in Prince Edward Island. Wes Sheridan represented the Government of Prince Edward Island throughout the initiative and worked diligently with the Mi'kmaq Confederacy and his ministerial colleagues in other provinces. As I understood it, there were two potential options for implementing the initiative. The first option was an agreement with the provinces, which was ultimately unsuccessful. The second option was to recognize an aboriginal right asserted by the Mi'kmaq Confederacy.
13. In February 2012, I was briefed by my Chief of Staff, Allan Campbell. The Mi'kmaq Confederacy was seeking direction from the Government of Prince Edward Island as to whether the Government of Prince Edward Island would support the initiative to regulate internet gaming in Prince Edward Island pursuant to an aboriginal right. Mr. Campbell stated that the Government of Prince Edward Island had received legal advice from an expert in aboriginal law and the expert recommended against the initiative in the strongest terms.
14. In February 2012, given the lack of any agreement with the other provinces and the legal advice received by the Government of Prince Edward Island as to the remaining alternative, I directed that the Government of Prince Edward Island withdraw its support for the initiative by the Mi'kmaq Confederacy to license and regulate internet gaming in Prince Edward Island.

Rory Beck

- 15. I did not sign any Form for Rory Beck, who served as Clerk of Executive Council, following his sudden passing on April 13, 2012.

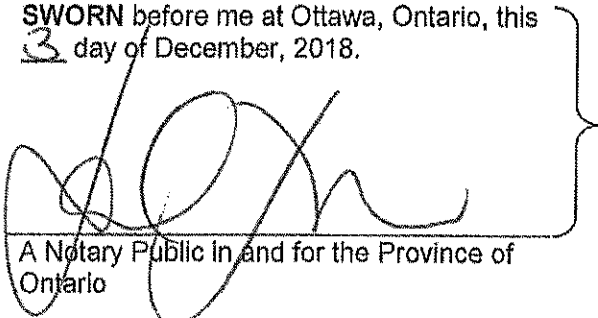
Memorandum of Understanding

- 16. I have never seen a copy of a memorandum of understanding signed by Innovation PEI and 7645686 Canada Inc. dated July 6, 2012 ("MOU").
- 17. I did not direct anyone to submit the MOU to Innovation PEI.
- 18. I provided no assurance to anyone that the MOU would be signed by the Government of Prince Edward Island or any other party.
- 19. I did not insist that any clause be included in the MOU, and I did not author, negotiate, or suggest any contents of the MOU.

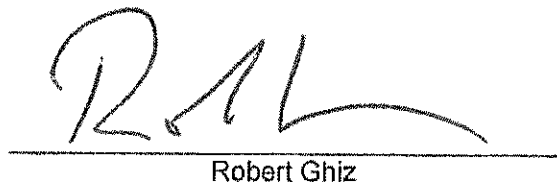
Conclusion

- 20. I make this affidavit in support of a motion for summary judgment and for no other or improper purpose.

SWORN before me at Ottawa, Ontario, this
3 day of December, 2018.



A Notary Public in and for the Province of Ontario



Robert Ghiz

