



[Copyright Lawsuit: New Motion to Show That Aga Khan is NOT the Real Plaintiff - 2010-07-31](#)

Posted July 31st, 2010 by heritage

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Date: Saturday, 2010, July 31

Since the Defendants are acting on a Farman to them made in 1992, and since this Farman also gives instructions and guidance to continue distributing Farmans, then there is nothing in Ismaili Faith nor in the Canadian Legal system that can force them to stop their actions except the Imam, by giving new instructions Himself.

The Defendants have motioned to halt all proceedings until direct evidence from the Plaintiff can be received. The Defendants have also motioned for Discovery of the Imam for 5 minutes in Paris to confirm that he is not the one who initiated the lawsuit and to tell him the whole truth of the forgeries.

Since there is so much evidence pointing to this case being initiated and run by a usurper, it is understandable that he and his supporters will feel like they are in hot water, and will continue to fulfill their threat to ruin the defendants and their reputation.

[Defendants Ask Judge to Stop All Proceedings as the Aga Khan is NOT the Plaintiff - Copyright Lawsuit - 2010-07-31](#)

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In the court case, the defendants have provided evidence that the Imam consented and instructed the continuation of the Kalam-e Imam-e Zaman Publication. The usurper Plaintiff has not presented any direct evidence to the contrary, especially not the video of the mehmani or an affidavit of the Imam. The Imam's direct evidence does not appear anywhere in the case, in fact the Affirmation purported to have been signed by the Imam is NOT being relied on by Mr. Gray, making the Plaintiff's motion for summary judgment very tenuous.

It would be more cost effective for any authentic Plaintiff to appear for 5 minutes to back the case and receive everything the Plaintiff's case and motions ask for. For a usurper Plaintiff, it would be better to continue a case that is not airtight with all its legal manoeuvres including the cross-examination of a dozen affidavits, the hearing of 6 motions (as of now), the travel costs

and lost income of all involved, and the lost reputation of all parties.

[\[July 29 affidavit of Nagib Tajdin\]](#)

[\[July 29 Exhibits of Nagib Tajdin\]](#)

[\[July 28 affidavit of Alnaz Jiwa\]](#)

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[\[July 30 Motion Record by Nagib Tajdin for Stay, for Discovery, and for Documents\]](#)

[\[July 29 Motion Record by Alnaz Jiwa for Stay, for Discovery, and for Documents\]](#)

Now, Canadian Law does say that judges must order the most cost effective and expeditious manner of resolving matters. The Defendants' motion will save grief on all sides. And since, as all evidence points to, the Aga Khan is not the real Plaintiff, then this also will be shown and court resources will not be wasted.

[\[July 30 Written Representations by Nagib Tajdin\]](#)

[\[July 30 Written representations by Alnaz Jiwa\]](#)

Forensic expertise demonstrates beyond any doubt that Imam is NOT the Plaintiff

All the forensic experts consulted by the defendants have agreed that the letters purportedly signed by the Aga Khan are Forgeries.

Expert from Quebec recommended by a Lawyer that often works with the Ismaili Council for Canada:

[\[Quebec Expert report that signature on January letter is not of the Aga Khan\]](#)

Expert from the US, highly qualified and convinced beyond doubt of the forgery:

[\[US Expert report that signature on January letter is not of the Aga Khan\]](#)

Expert from Ontario, highly qualified and who has served as President of the Canadian Society for Industrial Security - CSIS Inc. and Chairperson of the Canadian Security Certification Authority - CSCA.

[\[Ontario Expert Affidavit\]](#)

[\[Ontario Expert report on January letter\]](#)

[\[Ontario Expert report on February latter\]](#)

[\[Ontario Expert report on May Affirmation\]](#)

Discovery Request by Defendants Will Demonstrate That Imam is Not the Real Plaintiff - Copyright Lawsuit - 2010-07-31

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Request by the Defendants for Discovery Would Help the Plaintiff Win

The Plaintiff's Lawyer, Mr. Gray informed the Defendants that he advised the Imam NOT to attend for Discovery, which prompted the Defendants to question, why would counsel advise against a five-minute meeting to end the case and instead continue toward 10 or more full days' worth of legal proceedings other than to earn fees in excess of \$30,000.00 to \$40,000.00?.. Hence the bringing of the Motion by the Defendants to stay all cross-examinations until it can be confirmed if the Imam is really behind the litigation.

The latest request by the Defendants for Discovery of the Plaintiff would, if the case was authentic, give the Plaintiff the easiest way to win every aspect of the case, or since the case is not authentic, will prove that the Aga Khan is not the Real Plaintiff.

The Proceedings are Against Tenets of Ismaili Faith

Two of the many tenets of ismaili Faith that are brought to question by this Lawsuit are described in the following extract.

"7. The statement of claim, as well as the reply, is degrading our Imam by destroying two of the main tenets of of Ismailism of which He is the Imam: the first tenet of Ismaili faith is about the Infallibility of the Imam in matters of religion, that Sachedina states that the Imam, when making Farmans, makes mistakes which requires correcting by institutional leaders; and the second one is that the Farmans originates from the Divine Light which is called "Noor" and therefore can not be changed in any way until superseded by a new Farman.

" Extract from Nagib Tajdin's Affidavit of July 29, 2010

Reasoning Behind the Need for a Stay in the Proceedings

Reasons why a temporary halt of the proceedings is beneficial to all is described in the following extract:

"16. The defendants ask that the cross-examinations and other procedures scheduled for the motions for judgment be stayed for a period of 30 days or until the Aga Khan is produced for oral examinations for the following reasons:

(a) the defendants position is that the Aga Khan is not behind this lawsuit,

(b) A delay of 30 days for the cross-examinations will not prejudice the plaintiff;

(c) Extensive cross-examination preparations, attendance for cross-examinations, transcript costs, costs for the experts' cross-examinations, preparation of updated memorandum of fact and law, two to three days set aside for hearing of the motions, travel by two (and possibly three) witnesses from Kenya, along with their own loss of time from work; judicial resources, all will be avoided if the named plaintiff attends for discoveries for five minutes to confirm if he is behind this litigation and directly confirms if he, either did not give his consent on August 15, 1992, or that he revokes that consent, or that he does not wish to have His Farmans distributed by the defendants;

(d) The defendants have all along stated that if the Aga Khan wishes to stop the activities complained of, the defendants would be abided immediately by the defendants despite any legal avenues available to them;

(e) The plaintiff's counsel's instructing his client not to attend on reasoning that if either of the motions succeed discoveries would not be necessary, but he ignores the very real probability that the plaintiff may not succeed in his motion without any direct evidence from the named plaintiff, and in any event, there is a strong probability that neither party may succeed, and if so, the parties would have to proceed with the litigation;

(f) The defendants are not seeking costs from the named plaintiff, therefore, even if the defendants win their motion, they cannot collect costs from the named plaintiff who is their spiritual father; and

(g) Allowing the discovery to proceed will conclusively resolve the litigation, either by confirming that the Aga Khan is the real plaintiff, in which case the defendants would cease their activities, and if the Aga Khan is not the real plaintiff, then such injustice would be stopped in its tracks.

" Extract from Alnaz Jiwa's Notice of Motion of July 29, 2010

Does Imam use Intimidation Tactics?

Since there is so much evidence pointing to this case being initiated and run by a usurper, it is understandable that the usurper and his supporters will feel like they are in hot water, and will continue to fulfill their threat to ruin the defendants and their reputation.

In fact, when the Copyright Lawsuit was filed, and even before the Defendants were served, it was circulated by email to worldwide ismailis. Mass pressure tactics are undertaken on the web, through a telephone campaign, through unrelenting and continuous personal gatherings in Jamatkhana. All to establish that 2 murids of the Imam of the time were enemies of the Faith for having circulated the Farmans of their Imam to their community.

Would the Imam need to use such tactics? Are there not very simple and definitive ways in which the Imam can establish His authority in the matter without creating such unrest in the Jamat?

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