

1 IN THE MATTER OF:

2

3 THE TORONTO COMPUTER LEASING INQUIRY

4

5

6 SWORN WITNESS INTERVIEW

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9 --- This is sworn interview of Thomas Z. Jakobek, taken
10 at 79 Edgewood Avenue, Toronto, Ontario, on the 20th day
11 of September, 2004.

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15 A P P E A R A N C E S :

16

17 David Butt, Esq.

18 & Daina Groskaufmanis, Ms., Counsel for the Inquiry.

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20 Gregory Lafontaine, Esq., for the Witness.

21

22

23 REPORTED BY: Kimberley A. Neeson, RPR, CRR, CSR, CCP

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WITNESS: THOMAS Z. JAKOBEK

PAGE

JOINT QUESTIONING BY MR. BUTT/MS. GROSKAUFMANIS....3

1 -- Upon commencing at 5:20 p.m.

2 THOMAS Z. JAKOBEK: SWORN.

3 INTERVIEW BY MR. BUTT:

4 1 Q. Good afternoon, Mr. Jakobek.

5 A. Good afternoon.

6 2 Q. Thank you for agreeing to see us.

7 The first thing we have to do is just make sure everybody
8 understands what papers we all have in front of us. So
9 we'll talk about that with your lawyer, Mr. Lafontaine,
10 for a couple of minutes here.

11 A. Okay.

12 3 Q. So Greg, the things that we
13 received from you I guess on Sunday, although you had
14 them ready for us Saturday, are contained in a black
15 binder which has 14 tabs and I'll just go through the
16 tabs in order to help organize what we have.

17 The first tab is an account history
18 from account number 0250544 in the name of Ursula
19 Jakobek, and the period that it covers is from the 1st of
20 January 1998 to the 31st of December 2000.

21 MS. GROSKAUFMANIS: This is an account
22 -- where is this account?

23 MR. LAFONTAINE: It's at branch 1416.

24 MR. BUTT: Of?

25 MR. LAFONTAINE: The Canada Trust -- TD

1 Canada Trust. All of the ones you see behind tabs 1 to 5
2 are TD Canada Trust. Some have been opened at a time
3 when -- before the merger between TD and Canada Trust but
4 they're all at the same financial institution right now
5 and you'll see that they're all printed out in exactly
6 the same sort of format.

7 MR. BUTT: Okay.

8 MR. LAFONTAINE: These are items that
9 we obtained when we realized that we might have to
10 provide this sort of information to the commission, and
11 my clients made the necessary requests to Canada Trust
12 and the TD to have the account histories for these five
13 accounts --

14 MR. BUTT: Okay.

15 MR. LAFONTAINE: -- produced for them.

16 MR. BUTT: Tab number 2 --

17 MR. LAFONTAINE: Tab number 2 is to the
18 Royal Bank. We go a bit out of order. I apologize for
19 that.

20 MR. BUTT: That's okay, we put them
21 together. So it's Royal Bank Financial Group and it's
22 account 7800311, and the information, again it's an
23 account summary running from January 5th, 1998 to
24 December 1st, 2000.

25 MR. LAFONTAINE: That's right. And

1 that branch is at Harbord and Spadina, according to the
2 checks that I've made of the branch number. I believe
3 it's 684 or 648 Spadina Avenue and I believe it's the
4 north-west corner of the intersection of Harbord and
5 Spadina.

6 MR. BUTT: Do you know the address for
7 tab 1?

8 MR. LAFONTAINE: No, I don't. I have
9 that information. I can get it for you later because
10 there's five accounts from that institution and I can't
11 recall where each particular one is.

12 MR. BUTT: Okay. So tab 3 then is
13 another TD Canada Trust.

14 MR. LAFONTAINE: That's right.

15 MR. BUTT: In the name of both Thomas
16 Z. And Ursula Jakobek.

17 MR. LAFONTAINE: That's right.

18 MS. GROSKAUFMANIS: I don't think this
19 is the same branch. I think this is a Canada Trust at
20 Yonge and Eglinton.

21 MR. LAFONTAINE: I said there were five
22 different accounts from the Canada Trust TD and I can't
23 separate out which is at which location right now off the
24 top of my head. I have a note of it. This is branch
25 number 322, okay? If you look at the top of the document

1 it says branch 392 on all five sets of documents from
2 that financial institution. That's merely the site where
3 they were obtained. That branch is where they were
4 printed out of.

5 MS. GROSKAUFMANIS: Okay.

6 MR. LAFONTAINE: If you can bear that
7 in mind. That's why there's two branch numbers there,
8 392 is where it came from in terms of the print-out, 322
9 is the branch.

10 MR. BUTT: And the account we're
11 dealing with is 0152017?

12 MR. LAFONTAINE: That's correct.

13 MR. BUTT: Okay. Tab 4 again TD Canada
14 Trust branch 1664.

15 MR. LAFONTAINE: That's right.

16 MR. BUTT: And account 0285184.

17 MR. LAFONTAINE: That's right.

18 MR. BUTT: And that's in the name of
19 Ursula Jakobek and covers the period from January 1st,
20 1998 to December 31st, 2000.

21 MR. LAFONTAINE: It's 47 pages long.

22 MR. BUTT: Yes. Tab 5 --

23 MR. LAFONTAINE: Okay.

24 MR. BUTT: -- is St. Stanislaus/St.
25 Casimir's Polish Parish Credit Union Limited.

1 MR. LAFONTAINE: And it's account
2 number 58179 and it's on Roncesvalles, I believe that's
3 the only branch in the city.

4 THE WITNESS: It's not the only branch.
5 They have different branches but I deal with the
6 Roncesvalles one.

7 MR. LAFONTAINE: I see. In any event,
8 it's a photocopy of each page of the passbook, all right?

9 MR. BUTT: Yes. And the dates there
10 go, starting in --

11 MR. LAFONTAINE: June of 1992 at the
12 very top of the first page.

13 MR. BUTT: June of 1992 to the end of
14 November, November 27th, 2001.

15 MR. LAFONTAINE: Actually it goes all
16 the way to the October 1st, '03. You have to go to the
17 bottom of the page.

18 MR. BUTT: Right, October 1st, '03.
19 Tab 6, another TD Canada Trust branch 392. You know
20 what? I should back up. The St. Stanislaus Credit Union
21 account is --

22 MR. LAFONTAINE: That's Mr. Jakobek's
23 account alone.

24 MR. BUTT: Thomas Z. Jakobek alone.

25 MR. LAFONTAINE: That's right. I don't

1 know that you have that written down anywhere but
2 certainly that's the case and that would be his evidence,
3 that that was his account and his account alone. Do I
4 have that right?

5 THE WITNESS: Are we talking about the
6 bank in Warsaw or bank in Toronto?

7 MR. LAFONTAINE: The one in Toronto,
8 the Polish Credit Union.

9 THE WITNESS: Yes.

10 MR. LAFONTAINE: On Roncesvalles. That
11 was your account alone?

12 THE WITNESS: Yes, eventually I added
13 my wife in case that I kick the bucket or die.

14 MR. LAFONTAINE: Okay. So it may have
15 been a joint account near the end.

16 MR. BUTT: Okay. And then tab 6 is TD
17 Canada Trust branch 392, account number 0509074 and that
18 account is in the name of Ms. Maria Michie and Ms. Ursula
19 Jakobek, and the period covered is from the 30th of
20 December 1997 to the 31st of December - wait a minute -
21 31st -- no. I guess that would be the 4th of August
22 2001.

23 MR. LAFONTAINE: You have something for
24 2001? I think you have skipped ahead of time. I have
25 until December the 31st of the year 2000. I think that

1 with this particular one the page numbering is odd. They
2 printed out each year separately and started at page 1
3 again and that's why we have, I think, a total of
4 probably eight or nine pages, but it shows a shorter
5 number of pages because each year is printed out
6 separately. That's branch 392.

7 MR. BUTT: Okay. And then tab 7 is TD
8 Canada Trust account at branch number 32 and it's account
9 number 0750966.

10 MR. LAFONTAINE: That's a U.S. dollar
11 account, by the way.

12 MR. BUTT: U.S. dollar account. It
13 starts the 1st of December '97 and that's the one that
14 goes until the 4th of August 2001.

15 MR. LAFONTAINE: That's right. That's
16 right.

17 MR. BUTT: So those are the banking
18 documents that we received yesterday from you and --

19 MR. LAFONTAINE: Right. Which is, I
20 guess, a total of seven accounts?

21 MR. BUTT: Seven accounts.

22 MR. LAFONTAINE: All right.

23 MR. BUTT: And then just to continue
24 through this binder --

25 MR. LAFONTAINE: Right.

1 MR. BUTT: -- we don't need to spend a
2 lot of time on them right now, but tab 9 is title search
3 information.

4 MR. LAFONTAINE: Right.

5 MS. GROSKAUFMANIS: With respect to the
6 property at 5A Norwood Road.

7 MR. BUTT: And tab 10 is also property
8 search information in the --

9 MS. GROSKAUFMANIS: The address is 39
10 Glen Oak Drive. And tab 10 is another land titles parcel
11 register for the property located at -- this is, I think
12 -- I believe this may be a rural property.

13 MR. BUTT: It's a rural property, I
14 understand, in Durham Region.

15 MS. GROSKAUFMANIS: Yes, in Brock. So
16 the land title description is lot 13 and part of lot 14.

17 THE WITNESS: Excuse me.

18 MS. GROSKAUFMANIS: Yes, lot 13 and
19 part of lot 14 PL 192 as in the instrument 606774 in the
20 Township of Brock. So this is a rural property.

21 MR. LAFONTAINE: I located -- okay, do
22 you want to finish the binder? I have located the
23 addresses of the various branches if you want those for
24 the record.

25 MS. GROSKAUFMANIS: Maybe we'll finish

1 the binder and come back. Sorry, David, go ahead.

2 MR. BUTT: Then tabs 11, 12 and 13 are
3 summaries of account activity. They're prepared by Grant
4 Thornton and they are summaries of the account record
5 found at tab 14 which is -- I'm just looking for the
6 account number --

7 MR. LAFONTAINE: That would be account
8 number, it's branch 02162, account number 0127523, I
9 believe.

10 MS. GROSKAUFMANIS: That's right.

11 MR. LAFONTAINE: That's an account
12 that's held by Mr. Jakobek at Yonge and Eglinton branch
13 of the Scotiabank.

14 MR. BUTT: Yes.

15 MR. LAFONTAINE: I believe. The Scotia
16 Mortgage Corporation branch is how the header of one of
17 the documents or one of the cheques reveals it to be.
18 That's banking records that you provided me last week and
19 that my clients had earlier requested and it appears that
20 they've just received those duplicate or maybe even a
21 slightly broader set of records for that account today
22 along with two other Scotiabank accounts that they
23 received records for today.

24 MR. BUTT: And the ones that are in the
25 binder as currently tab 11 cover the period September

1 30th, 1999 to December 31st, 2001.

2 MR. LAFONTAINE: Okay. It looks as
3 though the ones I have commence as of October 1998 so
4 there may be some additional -- it looks as though
5 they're the same accounts. Okay? Are we on the same
6 page on that?

7 MR. BUTT: Yes.

8 MS. GROSKAUFMANIS: Um-hmm.

9 MR. BUTT: The tab 14, the Bank of Nova
10 Scotia at Yonge and Eglinton contains not just the
11 summary of the account activity but also contains
12 photocopies of the cheques that were written on that
13 account.

14 MR. LAFONTAINE: Okay.

15 MR. BUTT: In the September '99 to
16 December 2001 period.

17 MR. LAFONTAINE: Okay.

18 MR. BUTT: Now, you have other
19 documents you have provided us today so perhaps we should
20 list those.

21 MR. LAFONTAINE: Okay. What we've also
22 got, as I mentioned, was three sets of bank documents
23 from the Scotiabank that were produced as a consequence
24 of requests made by my clients back at the time they were
25 making all of these requests. It seems that some banks

1 are better than others at complying with the requests. I
2 have, as I mentioned, the one from the account 0127523 of
3 Mr. Jakobek starting on October 1998 that appears to be
4 in some way duplicative of the one set of documents that
5 you already have.

6 I also have a partial record from the
7 Scotia chequing account of Maria Michie and Ursula
8 Jakobek located at 2080 Queen Street East which is the
9 intersection of Queen and Lee and it's account number
10 815620971537 is the account number for that one. I have
11 from August the 15th of 2000 until February the 14th of
12 2001. It seems with respect to this one that somebody
13 misunderstood what it was that we were requesting and
14 they gave us the wrong time period.

15 The only other set of bank records that
16 I have today is also from the Scotiabank and it's branch
17 number 81562 which we know is a Queen and Lee branch.
18 It's specifically 2080 Queen Street East and it's account
19 number 9805125, and it's an account of Maria Michie and
20 Ursula Jakobek at that branch. I have the records from
21 January 1998 to December of 2000 for that particular
22 account.

23 As I mentioned before we went on the
24 record, I'm more than happy to either give you the
25 originals and get a photocopy back from you tomorrow or

1 make the copy and forward that to you. It's really your
2 preference in respect of that. Okay?

3 Then finally there's two other
4 documents that are sort of bigger pieces of paper,
5 spreadsheets that Mr. Jakobek prepared I believe the
6 evidence will -- his evidence will be about five years
7 ago or so to track activity in various bank accounts that
8 he held to keep track of where he had money put away so
9 that he could keep track of where the money was. And
10 he'll, I'm sure -- you may want to ask him some questions
11 about that but I just wanted you to have those documents
12 so you're more than welcome to ask some questions about
13 them, and as with the banking records from the Bank of
14 Nova Scotia, I'm more than happy to give them to you so
15 that you can make copies, and then if you don't mind
16 giving us the original of that one back if that's not a
17 problem, or else I'll create copies for you tonight and
18 have them to you tomorrow.

19 There's just one matter of outstanding
20 business I wanted to touch on and there's two CIBC
21 accounts that are at the Danforth and Coxwell branch of
22 the CIBC that I believe one of them is the source of one
23 of the certified cheques that the commission is
24 interested in. My clients have made requests of the CIBC
25 to produce the documents for the three-year time period

1 with respect to those accounts but haven't had any
2 success as of yet in getting that bank to produce those
3 documents. It's not for lack of trying, if I can leave
4 it at that.

5 MR. BUTT: Okay. And then just to
6 follow up, we've listed a number of accounts that we have
7 and a number of accounts that you are still trying to
8 get; are there any other accounts that would touch on
9 these issues that are still outstanding aside from the
10 ones we've addressed specifically so far?

11 MR. LAFONTAINE: My understanding is
12 that we've been trying to get you every account.

13 THE WITNESS: We have all the accounts
14 here.

15 MR. LAFONTAINE: We've been trying to
16 get our hands on every account that exists rather than
17 assessing for ourselves whether or not they touch on the
18 matters that are before the commission.

19 MR. BUTT: Okay.

20 MR. LAFONTAINE: And if there's been an
21 account or two that we have neglected to make a request
22 for, it's because we've forgotten that account in our
23 efforts to try and provide as much information to the
24 commission as possible.

25 MR. BUTT: Okay. And then the only

1 other issue is the income tax returns. Any update on
2 that?

3 MR. LAFONTAINE: Yes, I spoke to Joseph
4 Jakobek who is my client's -- one of my client's sons and
5 I understand that the T-1s and the assessments are all
6 with the tax preparer and he's making efforts to assist
7 me in obtaining those and we're hopefully going to be in
8 a position to get those documents to you just as quickly
9 as we can get our hands on them ourselves.

10 MR. BUTT: Okay. Great. I think that
11 covers up all the documents. Anything else?

12 MR. LAFONTAINE: Aside from that, if
13 you want the addresses of the bank accounts that I know
14 of, or is that something that you're interested in?

15 MS. GROSKAUFMANIS: You know, we can
16 probably do that just as easily off the record since I'm
17 not sure much will turn on it.

18 MR. LAFONTAINE: I did it on the
19 internet. I'm sure you can as well. At the beginning
20 you mentioned something about what address is that at and
21 that's the only reason I'm trying to be helpful. With
22 that, I guess that's the introductory remarks.

23 BY MR. BUTT:

24 4 Q. Thank you, Mr. Jakobek, for being
25 patient while we took care of all the paper. You

1 understand why we have to keep close track of all that?

2 A. Oh, sure.

3 5 Q. Great. I'm just wondering if you
4 could help us, just a few questions on your background
5 first. You were born in what year?

6 A. I was born in 1921 which makes me
7 83.

8 6 Q. And you came to Canada when?

9 A. I came in Canada in 19 - let me see
10 - '52. '52. This is how many years?

11 7 Q. Fifty-two?

12 A. Fifty-two years of working in
13 Canada, yes. Unfortunately that's a long time. I guess
14 none of you is that age yet. Are you? No.

15 8 Q. Yes. And where did you work? Can
16 you tell us just briefly about where you worked?

17 A. Sure, sure. When I came to this
18 country, you see I was discharged from the army in
19 England.

20 9 Q. Okay.

21 A. Like I was in the Polish army and
22 Montgomery, which is a British, you remember, I was
23 discharged in London. I been in London for five years
24 working different jobs, saving money, you know.

25 Having friends in Canada, I decided to

1 come in Canada, to Canada, in spite that I already have
2 all the papers to go to Australia. I still have the
3 document here of the permit of landing to Australia. But
4 I decided to come to Canada and my first job was as a
5 bellhop. You know what a bellhop is?

6 10 Q. Yes, I do.

7 A. In one of the hotels here in
8 Toronto. Then naturally being a bellhop I also was a
9 waiter, I also was a desk clerk. Eventually when the
10 things really went bad for the hotel I was even auditing
11 at night, I was auditing like all the receipts from the
12 rooms, from the restaurants, from whatever, I was
13 auditing at night. That was 10 years at the hotel.

14 11 Q. So from 1952 until about 1962?

15 A. That's about it. Then I started
16 working for the Singer company, that's a sewing
17 machine --

18 12 Q. Yes.

19 A. I work in six different stores
20 because sometimes they needed a salesman in one place so
21 they transfer you to the other store, so on and so on. I
22 even have the pension from the Singer company if you want
23 to see the documents.

24 Then I joined the commissionaires being
25 a veteran, and I worked at the University of Toronto on

1 the Wilcox Avenue, which is a woman's residence.

2 13 Q. Okay.

3 A. So every year, I was there for
4 about 10 years, and every year I worked for about 400
5 girls, every year in the residence there were 400 new
6 girls, new students, see. I was running, if you are
7 familiar with the university and the residences, I was
8 running Porter's Lodge. Any of your girls were in the
9 residence, no? The Porter Lodge is a lodge at the
10 entrance of the residence and we do everything for the
11 girls, for the students. They paid their dues there, we
12 have a switchboard and all the calls goes through our
13 switchboard. We sell them stamps if they need. Well, we
14 do everything what the girl needs in the residence.

15 14 Q. Right.

16 A. See?

17 15 Q. Yes. Could I just ask, I just need
18 to get some dates.

19 A. Yes.

20 16 Q. You were with Singer from about
21 1962 until when?

22 A. I have to look at it. It was
23 around 10 years that I was there.

24 17 Q. About 10 years?

25 A. I guess, yeah.

1 18 Q. Okay. And you had a sales job you
2 described for those 10 years?

3 A. Yeah. Also, also when I quit, I
4 opened my own business with a friend of mine on Danforth
5 Avenue opposite the Shoppers. We run the business for
6 about two years, we very successful business selling the
7 machines. Eventually we sold the business to somebody.

8 19 Q. I'm just trying to keep track of
9 the dates. From '62 until about '72, about 10 years with
10 Singer; is that right?

11 A. You know, I tell you one thing.
12 When you reach my age, the time means absolutely nothing.

13 20 Q. Okay.

14 A. You see I'm sorry to tell you this,
15 you don't realize it until you come to the stage that I
16 am. You know, if you asked me what happened yesterday, I
17 probably wouldn't -- excuse me, I have to go to the
18 bathroom for a second. I will be with you in a second.

19 21 Q. Sure.

20 MR. LAFONTAINE: Could we go off the
21 record for a moment?

22 MR. BUTT: Sure.

23 -- OFF THE RECORD DISCUSSION --

24 THE WITNESS: Also I forgot to tell you
25 -- is okay?

1 MR. LAFONTAINE: We're back on the
2 record now.

3 THE WITNESS: Okay. That in '52 when I
4 was working at the hotel, we also -- at night I operated
5 a business at Kingston Road which was a dry cleaners
6 business. My wife was there and I was delivering the
7 cleaning all over the city at night after I finished work
8 at the hotel.

9 BY MR. BUTT:

10 22 Q. Um-hmm.

11 A. So as you can see, we work for 50
12 years.

13 23 Q. Yes.

14 A. And we save the money.

15 24 Q. Yes.

16 A. I don't drink and I don't smoke.

17 25 Q. Oh, very good. Very good.

18 A. So --

19 26 Q. That's why you look so good.

20 A. Well, the appearances are a little
21 bit not what it really is. I have about three different
22 things: High blood pressure, I just had the operation my
23 cataract two weeks ago, therefore I use the dark glasses.

24 27 Q. Yes.

25 A. I also have hernia. I also have a

1 very bad circulation in my legs which the doctors can
2 testify any time.

3 28 Q. Not to worry. Not to worry about
4 that, no. And so we had the dry cleaning, then the
5 Singer, then the commissionaire.

6 A. Yes.

7 29 Q. Anything else?

8 A. Well, naturally I also occasionally
9 fix the machine or I go canvassing a little bit here and
10 there, service a machine here and there.

11 30 Q. Um-hmm. Okay. Now, I know you're
12 very busy even up to today --

13 A. I am not busy at all.

14 31 Q. Did you retire at any point from
15 all those jobs?

16 A. Well, what do you mean retire? I
17 retire at 65 but I was still working at the university.

18 32 Q. Okay.

19 A. So, I mean, I was drawing the money
20 from the pension and also from the university.

21 33 Q. Okay. When did you stop working as
22 a commissionaire?

23 A. I think I stop about two or three
24 years after I retire.

25 34 Q. Okay. So if you retire at 65,

1 about 68 or so?

2 A. Well, for a couple of years I still
3 was working, you know.

4 35 Q. Okay.

5 A. And then occasionally, as I
6 mentioned to you, I did a few repairs here and there.

7 36 Q. Okay. And can you tell us a little
8 bit about your wife Ursula. You met her in Canada?

9 A. I met her in Canada, yes, in '52.

10 37 Q. Okay. And when were you married?

11 A. Same year, '52. Yeah.

12 38 Q. And did she help out with any of
13 the businesses or did she --

14 A. Well, naturally. She was mostly
15 running the business of the cleaning -- dry cleaning
16 business on Kingston Road. Kingston across the funeral
17 home was very handy in case something happened.

18 39 Q. Um-hmm.

19 A. If something happened, you know,
20 the funeral parlour is right next door. The same here,
21 you know, we live next to cemetery.

22 40 Q. Oh, really.

23 A. So there would be not much in case,
24 you know, just across the street, see?

25 41 Q. We don't need to worry about that

1 for a long time yet.

2 A. Oh, I don't know.

3 42 Q. But -- and then did she do any
4 other work?

5 A. Well, she did something here and
6 there. I mean, I think she have couple of kids she was
7 looking, something like this. You know.

8 43 Q. Okay.

9 A. To be honest with you, I was always
10 busy. Whatever she does I hardly know.

11 44 Q. Okay.

12 A. As usual in marriage, you know.

13 45 Q. And who would do the banking in the
14 family?

15 A. Well, up to a certain time I did
16 but I think lately I'm not able to go. She does it.

17 46 Q. When did you stop doing the
18 banking?

19 A. When? I couldn't really exactly
20 know.

21 47 Q. Could you help us, would it be just
22 recently or was it a long time ago?

23 A. Quite a few -- well, I would say a
24 couple of years ago. Mind you, occasionally I go to the
25 bank myself, I drive or she drives me there.

1 48 Q. Sure. Okay. I'd like to ask you a
2 little bit about the banking back really in, as you know
3 from the documents, 1999, 2000, in that time. Were you
4 doing banking back then?

5 A. As I mentioned to you again, you
6 know, like probably, maybe I went. I don't really recall
7 properly.

8 49 Q. Okay. What I'll do, if I could,
9 Mr. Jakobek, is that I'll ask you about some banking
10 transactions, some banking that was done, and just ask
11 you if you can remember or help us with --

12 A. Sure, sure.

13 50 Q. -- what was going on at the time.
14 Now, if I could just start with - if I can just take a
15 minute to organize my papers here - I'm going to start
16 with asking you about some banking back in October of
17 1999. It's tab 3 of the binder we've just described.

18 Actually, if I could go back a little
19 bit in time, you have an account together with your wife
20 at the Canada Trust and it's account number 0152017, and
21 you've given us some information about that account and
22 it starts way back in 1997 and the information goes
23 forward up to the end of the year 2000. And that's an
24 account that you and your wife had together at the Canada
25 Trust.

1 A. Well, you see what happened, when
2 the Toronto Dominion marriage with Canada Trust --

3 51 Q. Um-hmm.

4 A. -- I have the same account at the
5 Canada Trust for a long time.

6 52 Q. Right.

7 A. So I mean --

8 53 Q. And it became a Toronto Dominion
9 account?

10 A. Then the marriage happened, I don't
11 know what happened there.

12 54 Q. But you kept the same account
13 before and after --

14 A. I kept the same account.

15 55 Q. -- it merged?

16 A. Sure.

17 56 Q. Now, when you have the accounts,
18 and this one I'm asking you about at tab 3 is in both
19 your name and your wife's name, if you had an account
20 like that in both of your names, who would do the banking
21 for that?

22 A. Well, let's put it this way.
23 Normally what happened for a long time I have my own
24 accounts and she had her own accounts. Then getting
25 older I decided that I better help her -- give her the

1 access to my accounts just in case something happened.

2 When that happened, I don't remember.

3 But originally I have my own accounts and she had her
4 own.

5 BY MS. GROSKAUFMANIS:

6 57 Q. Even though you had -- originally
7 you had separate accounts and then they became joint
8 accounts, did you continue to sort of use them like they
9 were single accounts or did you both start doing banking
10 off your joint accounts?

11 A. Well, I guess the cheques were
12 coming, they were going either to one bank or the other.
13 I don't really -- I couldn't tell you really exactly what
14 happened.

15 58 Q. Okay. Let's just talk about this
16 Canada Trust account and let me see if I can understand
17 it.

18 A. What account?

19 59 Q. It's an old Canada Trust account.

20 A. Um-hmm.

21 60 Q. It's branch 322, it's account
22 152017.

23 A. Um-hmm.

24 61 Q. The documents we have show the
25 account to be a joint account between you and your wife

1 Ursula.

2 MR. LAFONTAINE: Just to help you out,
3 if you don't mind, that's 322, I believe is one of the
4 accounts at Queen and Lee. Okay?

5 THE WITNESS: Is it? I don't really
6 know.

7 MS. GROSKAUFMANIS: I think it's Yonge
8 and Eglinton.

9 MR. LAFONTAINE: Is it Yonge and
10 Eglinton?

11 BY MS. GROSKAUFMANIS:

12 62 Q. I'm pretty confident that's Yonge
13 and Eglinton. That's an old Canada Trust account at
14 Yonge and Eglinton that eventually became a TD Canada
15 Trust account. Do you know whether this was originally
16 one of your own bank accounts or one of Ursula's bank
17 accounts that then became joint, or was this always a
18 joint account?

19 A. I think it was my account really.

20 63 Q. Okay. And when it became -- but at
21 some point it became a joint account?

22 A. Well, as I mentioned to you before,
23 we decided all of a sudden to joint her because I mean,
24 you know like in case of something happen, like, well,
25 she has to have an access to it without any problems. So

1 we went to the bank and she joined me for the account.

2 64 Q. That makes sense and I understand
3 that. But if this was primarily your account first and
4 then you made it joint so that she could have access if
5 anything happened --

6 A. Yeah, that's right. Yeah.

7 65 Q. Did you continue to sort of treat
8 it as your account such that you were the person who
9 mostly wrote cheques on it or did Ursula write cheques on
10 it as well? Did you treat it like a true joint account
11 where you could both make transactions or was it mostly
12 your account and you did the banking there?

13 A. I was under the impression we both
14 did. I don't exactly know but I think that once it's a
15 joint account probably.

16 MS. GROSKAUFMANIS: Okay.

17 BY MR. BUTT:

18 66 Q. Could I ask you about a couple of
19 transactions?

20 A. Sure.

21 67 Q. In that account?

22 A. Sure.

23 68 Q. I'm looking in particular back in
24 October of 1999, and this is page 14 of 20 so everyone
25 can follow along, and just towards the bottom of the

1 column of numbers on page 14, there were two deposits,
2 one on the 7th of October in 1999 of \$2,840 and that was
3 all in cash, and a second deposit of \$3,800 which was 38
4 100 dollar bills. So that was on the 7th and the 8th.
5 Do you remember making those deposits or can you shed any
6 light on that?

7 A. Could you give me one of those
8 sheets that I have right there, please?

9 69 Q. This was in October of 1999.

10 A. Okay. In October '97, I think it
11 was '97, yes.

12 MR. LAFONTAINE: '99 is when he's
13 talking about. There's something in '97?

14 THE WITNESS: Yes, I know. But this is
15 to answer. And I transferred from the bank in Warsaw, I
16 transferred \$12,182.66 in American money into the Canada
17 Trust. I converted that money into the Canadian amount
18 and I withdrew, I don't remember exactly, 17 or \$18,000
19 in 100 dollar bills from Canada Trust.

20 That amount I kept in the house and
21 having the experience from lifetime experience, I decided
22 that I don't really trust very much the banks, so I all
23 the time I kept a lot of money in the house.

24 As a matter -- excuse me, I be back in
25 a second, okay? I have to go to the washroom.

1 -- OFF THE RECORD --

2 THE WITNESS: It just occurred to me
3 that I may as well, to give you an idea of, \$5,000.
4 \$10,000. Okay? So now you can believe that I keep the
5 money. Why?

6 MR. LAFONTAINE: For the record, I
7 think we should just describe what took place, if you
8 don't mind.

9 MR. BUTT: Sure.

10 MR. LAFONTAINE: Mr. Jakobek just
11 produced five gold bars.

12 THE WITNESS: It's \$410 American each.

13 MR. LAFONTAINE: 410 American. And
14 some American cash, some Euros, a large amount of paper
15 money, some Canadian money, which add up to a total value
16 of?

17 THE WITNESS: Should be around 10,000
18 -- I didn't count.

19 MR. LAFONTAINE: 15,000 in total.

20 THE WITNESS: Usually I check if
21 there's not enough in the bank, take, put in the bank.
22 And I tell you something, you know if you know my
23 experience, anyone of you can understand Italian?

24 BY MR. BUTT:

25 70 Q. No.

1 A. This is a letter from the Pope. If
2 you look at it is a letter to the ambassador or Pope in
3 Italy. It states that I have been transferred from a
4 punishment island of Ustica, which is south of Italy, to
5 a concentration camp in Ferramonte (ph).

6 Those camps mostly contain -- well,
7 professional people, especially the Jewish professional
8 people like doctors. Those are the fascist put all the
9 doctors, lawyers, architects, artists, like I have a
10 photograph there is an opera singer from Vienna, is a
11 Polish doctor and a university student from Bologna who
12 was put in concentration camp by the fascist, by
13 Mussolini.

14 That was the time when they used to
15 accumulate all the people that they didn't want,
16 especially the Jewish people, and they were putting them
17 either in concentration camp, in punishment island as I
18 went. Being a student, I had the documents that I was a
19 student at the time, they put me with those people
20 together. We spoke different languages because they were
21 German, they were Yugoslavian, they were Spanish, they
22 were Polish. So here we are.

23 As far as my history is concerned, in
24 1939 when the Poland was invaded, I didn't like the
25 Gestapo methods, I escape. I went to Hungary,

1 Yugoslavia, to France when I joined the army. I have the
2 papers here of my service there.

3 Two of my uncles died in (Polish), in
4 Auschwitz; Auschwitz, two of my uncles. My stepfather
5 was shot in Warsaw.

6 71 Q. Okay.

7 A. So this is just a little bit of the
8 history.

9 72 Q. Um-hmm. No, thank you very much.
10 That's helpful.

11 MR. LAFONTAINE: Does that in any way,
12 if you don't mind - sorry, David - in terms of the banks,
13 though, you were talking about why you don't trust the
14 banks and why you keep the money at the house.

15 THE WITNESS: Well, we had -- we had a
16 very good -- if you know any Polish people from the time
17 in Warsaw, if you mention a restaurant by the name of
18 Giditz (ph), that was the best restaurant in Warsaw.
19 When the war started, my stepfather had a whole suitcase
20 full of money. It was absolutely worthless. It just
21 shows you the banks, if he was smart enough to keep the
22 monies in gold, he would have something. This way so I
23 don't trust the banks.

24 I mean, you cannot blame me. This is
25 the way my experience from the previous years.

1 BY MR. BUTT:

2 73 Q. Okay. Thank you. No, that's
3 helpful. If I could just go back to the October 1999,
4 you took the money out in 1997 from Warsaw, you kept it
5 at home for two years; is that right?

6 A. I said before I don't know how
7 long. I always have money at home.

8 74 Q. Right. But then you say you put
9 the amounts in on October 7th and 8th of 1999; is that
10 what you did?

11 A. If I -- if I needed the money, if I
12 needed to cover a cheque or something, if I didn't have
13 enough, I went to the bank and put the money in the bank.

14 75 Q. Okay. And I'll get to a cheque in
15 just a minute. There's two deposits. On October 7th you
16 put in 2,840 in cash and then October the 8th you put in
17 3,800 --

18 A. Yes.

19 76 Q. -- in hundred dollar bills and was
20 it you that did that or would it have been your wife?

21 A. It would have been me.

22 77 Q. And then those two numbers add up
23 to \$6,640.

24 A. Yeah.

25 78 Q. And then about a week later on the

1 15th of October, you wrote a cheque to your son, Tom, for
2 \$6,556, so about the same amount, \$16 more.

3 A. Um-hmm.

4 79 Q. I'd like to ask you a couple of
5 questions about that.

6 MR. LAFONTAINE: It's actually \$84
7 less.

8 MR. BUTT: Yes, that's right.

9 MR. LAFONTAINE: Sorry.

10 BY MR. BUTT:

11 80 Q. You're right. I was thinking
12 6,540. Did you make those deposits to cover that cheque
13 you were going to write?

14 A. That's what I always do.

15 81 Q. Okay.

16 A. If I am short of money to -- if I
17 have to issue a cheque, income tax or anything, if it's
18 not enough I take the money and put it in the bank and
19 next day issue the cheque.

20 82 Q. Okay. So I hear you saying then
21 that you put the money in to cover that cheque you were
22 going to write. Is that right?

23 A. Which is what I always do.

24 83 Q. Okay.

25 A. If I see that I don't have enough

1 money in the bank book, and I can't issue a cheque, I
2 throw some money in the bank.

3 84 Q. Okay. What was the cheque for?

4 A. You know, I'm not very good at
5 figures, you know. That's why I keep everything on
6 paper. I just don't remember, that's all.

7 85 Q. Okay. Did your son ask you for the
8 money?

9 A. He never asked me for any money.
10 Why should he ask me? He knows that I don't need any
11 money. If I give him some money, that means he did
12 something for us, fence, roof, painting, anything that I
13 don't know how to make I ask him, he does it and then I
14 pay him back.

15 86 Q. So fence, it could have been for a
16 fence?

17 A. Well, there is a fence, there is an
18 iron fence, there is a hedge, there is some gardening
19 being made, there's painting, outside painting, inside
20 painting. There is iron curtain, you know, like just in
21 case the squirrels attacks, because there is lots of
22 squirrels and also lots of raccoons and we have heard
23 maybe they attack us, so --

24 MR. LAFONTAINE: For the record, we
25 should indicate that when Mr. Jakobek was giving that

1 answer he demonstrated the use of an iron garage type
2 door that goes down over top of the deck doors in the
3 kitchen where we're presently seated. Is that a fair
4 description?

5 BY MR. BUTT:

6 87 Q. Yes. But are you able to say what
7 this one was for?

8 A. (Nods head).

9 MR. LAFONTAINE: Shaking his head
10 indicating no.

11 BY MR. BUTT:

12 88 Q. Okay. Can you help me out, why
13 would you go to the bank twice? If you knew you were
14 going to be writing a cheque for 6,500, why would you go
15 once and deposit 2,840 and then the next day go back
16 again and deposit 3,800; can you help me with that?

17 A. You know, you're asking me
18 questions that I just -- I couldn't possibly know. You
19 know, sometimes my wife sent me downstairs for something
20 and I have to come back again and say what did you want.
21 At this age, your memory is not really serving you as
22 good as it should, you know, which you are going to
23 eventually have the same problems if you don't believe
24 me.

25 89 Q. Yes. No, I believe you on that

1 one. This bank was at Yonge and Eglinton. Were you
2 living here at the time in 1999?

3 A. I was working at 2468 Yonge Street
4 which is right next to Yonge and Eglinton. It is right
5 over by Roehampton. I worked there for three years for
6 the Singer company.

7 90 Q. Okay. When was that?

8 A. 2468 Yonge Street.

9 91 Q. Right. But when was it that you
10 worked for Singer there?

11 A. Well, in that period when I worked
12 for 10 years for the Singer company. As I mentioned to
13 you, I worked in seven different stores.

14 92 Q. Okay. So that was back in '62
15 until '72?

16 A. Something around there, I guess.

17 93 Q. But this was in 1999?

18 A. Oh, yes.

19 94 Q. And so you would have had to have
20 made two trips from here at Edgewood Road up to Yonge and
21 Eglinton in two days. Does that help you remember why
22 you might have done that?

23 MR. LAFONTAINE: Do the deposit slips
24 indicate where the deposit was made?

25 BY MR. BUTT:

1 95 Q. Do you remember if you did go to
2 Yonge and Eglinton? That's probably the better question.

3 A. Well, I wish I could help you. I
4 wish I could help you.

5 MR. BUTT: Okay.

6 BY MS. GROSKAUFMANIS:

7 96 Q. Mr. Jakobek, I'm going to jump in
8 for a second.

9 A. Pardon me?

10 97 Q. I'm going to jump in for a second.

11 A. Sure.

12 98 Q. You said that you were paying your
13 son Tom back for things he had done for you?

14 A. Sure.

15 99 Q. Why did you not pay him back in
16 cash if you had cash around the house?

17 A. I guess he preferred to be paid by
18 cheques.

19 100 Q. Did he ask to be paid by cheque?

20 A. I don't know. He didn't ask
21 anything. I just -- I just figure out it's better for
22 him, you know.

23 101 Q. Is there any reason that you can
24 think of why you didn't pay him -- when you had cash
25 available, why you didn't simply pay him in cash rather

1 than putting the cash in the bank and write him a cheque?

2 A. Well, as I told you, I prefer to
3 pay him by cheque because I like to have -- I like to
4 keep the cash at home.

5 102 Q. I understand that.

6 A. Yeah.

7 103 Q. But it appears that you went to the
8 bank on October the 7th and deposited \$2,840, then you
9 went to the bank again on October the 8th and deposited
10 \$3,000?

11 A. Was it two days, three days? How
12 long?

13 104 Q. There's two deposits, they're one
14 day apart, and then the cheque payable to your son Tom
15 clears your bank account on the 15th of October, so
16 roughly a week later.

17 A. Oh.

18 105 Q. And I'm just wondering why you
19 would have gone to the bank on two separate -- to a bank
20 on two separate days, deposited about \$6,500 roughly and
21 then wrote a cheque to Tom for that same amount, why not
22 simply pay Tom the money? In either case you didn't have
23 the cash at home.

24 A. Well, it could be I had the
25 American money and I had to exchange it for Canadian, you

1 see. That's another problem.

2 106 Q. But that's not something you
3 actually know. You're just speculating?

4 A. I don't remember but it could have
5 been that I had it either in pounds maybe, or in American
6 money, or in some other currency and I have to change --
7 change it for the Canadian money.

8 107 Q. Okay. We don't -- we will look for
9 those deposit slips. If we find the deposit slips, that
10 might help you. And you also said you weren't -- you
11 gave us some examples of things that Tom had done for you
12 and that you were repaying him for.

13 A. Sure.

14 108 Q. You gave some examples about the
15 fence or painting. Is there anything that you could look
16 at, any documents or any receipts or anything like that
17 that would help you remember what this cheque for \$6,556
18 was for?

19 A. Well, I tell you -- well, do you
20 need it in a couple of days or three days or four days?
21 I have to look through all the -- you know, I've got all
22 kinds of junk in the garage that I would have to go
23 through different things. Maybe I can find something.
24 If I do, I glad to give it to you.

25 109 Q. How did you -- how did you -- in

1 general, how did you know what you were repaying Tom for?
2 Did he give you receipts or invoices or something like
3 that?

4 A. Well, he would tell me, look, this
5 is so much, I spent so much on this and I would give it
6 to him then.

7 110 Q. Was it his practice to give you
8 pieces of paper that would show that up, like an invoice
9 or a receipt?

10 A. Why should he give me any papers?
11 I mean, he's my son.

12 111 Q. I'm understanding that he may not
13 have. I'm trying to understand if that was his usual
14 practice to give you something that said this is how much
15 I paid.

16 A. Well, if he comes to me today and
17 tell me he needs \$5,000, I wouldn't even ask him what he
18 needs for, I'm going to give it to him.

19 112 Q. All right. I understand that. In
20 general though you started out by saying you might be
21 able to find something that you have papers around --

22 A. If I do, I certainly forward it to
23 you, sure.

24 113 Q. Okay. But I was just trying to
25 understand, if you actually would have papers or you

1 would have kept papers, I certainly understand what
2 you're saying that Tom is your son, if he asks you for
3 money you will give it to him.

4 A. Sure.

5 114 Q. Right?

6 A. Yes.

7 115 Q. But I'm trying to understand was it
8 Tom's usual practice so say here's a receipt, this is
9 what I paid -- this is what I paid or this is what I've
10 purchased on your behalf, or did he usually just tell you
11 this is what I've done and then you wrote him a cheque or
12 somehow paid him?

13 A. Most likely. Sometimes maybe he
14 will give me a receipt, I don't remember exactly. But if
15 he tells me that he spent \$2,000, I would give him the
16 \$2,000. The same with my other boys. If they need some
17 money they come to me, I give them the money.

18 116 Q. When you say that you give your
19 boys money --

20 A. Sure.

21 117 Q. -- were you giving it to them as a
22 gift or was it always for things that they had done for
23 you?

24 A. No. Very often I gave them
25 something for nothing.

1 118 Q. Okay.

2 A. All of a sudden they run, like
3 happens once or twice they got a bill of 7,000 or \$8,000
4 from Visa or Mastercard they say like, we haven't got it.
5 I pay for them.

6 119 Q. And was Tom the same way, that if
7 he needed some cash --

8 A. He doesn't need anything. His
9 father-in-law has, I don't know what he has, Ken has,
10 apparently he has millions, I don't know. Ken Moorish
11 has millions apparently, I don't know.

12 BY MR. BUTT:

13 120 Q. Do you know Ken Moorish?

14 A. Naturally I do. His photograph is
15 right there if you would like to look in the other room.

16 121 Q. Do you spend any time together?

17 A. Well, we went few times, we went to
18 his cottage a few times, we went -- when Shirley was sick
19 we went to hospital practically every day to see her.

20 122 Q. I'm sorry, Shirley?

21 A. Shirley is his wife.

22 123 Q. Okay.

23 A. She died.

24 124 Q. Yes, okay.

25 A. So I remember once or twice we

1 drove together to the cottage and things like that. I
2 mean, it's no --

3 125 Q. Whose cottage?

4 A. Ken's cottage. Ken's cottage.

5 Right now is his wife's, like my boy's wife.

6 126 Q. How often would you see him?

7 A. Well, the occasion might be
8 birthday, Christmas, sometimes the kids were there, you
9 know, so we went to visit the kids.

10 127 Q. When you say the kids were there,
11 so you went to visit the kids where, where would you go?

12 A. Well, sure. He's got a swimming
13 pool there, so the kids were very often, we drove the
14 kids over there and the kids were swimming there. You
15 know, my son's kids and there's four of them.

16 128 Q. Right, right. By there, you mean
17 at Mr. Moorish's house?

18 A. Sure.

19 129 Q. Did he ever come here to visit?

20 A. Sure he was here very many times,
21 yeah.

22 130 Q. When would he come here to visit?

23 A. Christmas, birthday, my wife is
24 very, you know, she wants to make something for, like
25 what is the parade here? She always has all the family

1 here, makes the cold buffet with different things. They
2 were here very many times, um-hmm.

3 MR. BUTT: Sorry, Daina, I interrupted
4 you.

5 BY MS. GROSKAUFMANIS:

6 131 Q. I just want to go back to something
7 I understand. And I certainly understand that
8 Mr. Moorish, Ken Moorish, is a wealthy man. Did you give
9 Tom gifts?

10 A. Pardon me?

11 132 Q. Did you give your son Tom gifts of
12 money and help him out when he needed help?

13 A. Well, you see the problem is that
14 when Joe, which is one of my sons, bought a house on Glen
15 Manor, I give him some money because they bought that
16 house, and when he sold that house, he was supposed to
17 give Tom half of the profit, whatever the profit was, I
18 don't know, 50, 60, 70,000, I have no idea, because he
19 bought the house, Glen Manor, this district the houses
20 are very expensive. The price went very high.

21 Instead of giving Tom his share, he ran
22 out of money buying another house on Norwood somewhere,
23 and he didn't have the money. So we kind of felt bad
24 about all this, so we started giving Tom some money. At
25 first he didn't want to accept the money, but then

1 eventually we practically force him to give him some
2 money that was due to him from the transaction that Tom
3 -- that Joe didn't give him anything and he should have.

4 So, you know, being close family, as I
5 say, we just figured that we better straighten it out for
6 Joe.

7 BY MR. BUTT:

8 133 Q. When did you give him that money?

9 A. Occasionally. When I felt like it,
10 you know. And Joe was giving us some money also when he
11 started working, so we just gave Tom the money, that's
12 all.

13 134 Q. How much would you give him at a
14 time?

15 A. A couple of thousand at a time.

16 135 Q. How would you give it to him?

17 A. Cheque, maybe sometimes maybe cash.
18 I don't really remember.

19 136 Q. When did you give it to him? Do
20 you remember what years?

21 A. Within the last -- maybe last
22 seven, eight, nine years.

23 137 Q. Okay. Are you able to be any more
24 precise in the dates? I know it's hard.

25 A. Look, I wish to God I could. There

1 is no way that -- look, with all the transactions in all
2 those years, there is no way for me. I mean, there's no
3 way, doesn't matter how I try.

4 138 Q. Yes.

5 A. It's no way for me to remember
6 those things. That's why I kept those things, you know,
7 here because I was losing the track of what I have, what
8 I don't have.

9 139 Q. Okay. I'd like to ask you
10 something else about that same period in October of 1999.
11 We were just talking about how on the 7th and the 8th you
12 made two separate deposits?

13 A. Yeah, it's possible. I don't
14 remember.

15 140 Q. Okay. I'm looking at your Bank of
16 Nova Scotia account, that's tab 13 of the binder.

17 MR. LAFONTAINE: 14, isn't it?

18 BY MR. BUTT:

19 141 Q. Well, it covers a number of tabs
20 and I'm looking at the work sheet summary that's drawn
21 from tab 14, and in addition to putting money into that
22 Yonge and Eglinton account, it appears that you also put
23 cash in, again 34 \$100 bills this time, into that Bank of
24 Nova Scotia account. Do you remember doing that?

25 A. Hmmm, I don't really, no.

1 142 Q. Okay. Now, that Bank of Nova
2 Scotia account is just in your name, I understand; is
3 that right?

4 A. All my accounts are in both names.
5 Or both names, as I told you, we decided that we better,
6 all the accounts we put her name on it just in case
7 something happened.

8 143 Q. So would it have been you who put
9 the money in that account or would it have been anyone
10 else?

11 A. It couldn't be anybody else, no.

12 144 Q. Okay. But if I hear you right, you
13 just don't remember doing that as well on the 8th of
14 October in 1999? It's a long time ago. But what you
15 did, it appears from these bank documents, is you went to
16 two separate banks and made three separate deposits in
17 two days. Can you help us why you might have done that?

18 A. Well, I explained to you. Maybe I
19 have to change the foreign currency into Canadian money.
20 You see, that's what it is. As a matter of fact, I have
21 in one of the banks I have about 20,000 Swiss francs that
22 if you would ask me what happened, I couldn't remember
23 about.

24 145 Q. Right. The bank records show it
25 was 34 \$100 bills and that the bank credited you \$3,400

1 Canadian. So if the bank is right, then it would not
2 have been foreign exchange. Does that help you remember
3 at all?

4 A. But in order to get the hundred
5 dollar bills, maybe I went to some other bank and changed
6 the currency for the Canadian money.

7 146 Q. So it's possible you might have
8 gone to a third bank? Would that be something you would
9 have done?

10 A. Look, I'm sorry to tell you this,
11 it's too complicated for me to follow you.

12 147 Q. Okay. What the bank records show
13 for that Bank of Nova Scotia account is that you put in
14 on the 8th \$3,400 in 34 \$100 bills, and then a week later
15 on the 15th you wrote a cheque to your son Tom for
16 \$3,444.

17 A. Um-hmm.

18 148 Q. So you're writing two cheques to
19 him, one for \$6,556 and one for \$3,444. Can you tell us
20 why you wrote two separate cheques to him?

21 A. There must have been a reason but I
22 don't remember.

23 149 Q. Okay. Those two cheques add up to
24 \$10,000.

25 A. Um-hmm.

1 150 Q. Does that figure ring any bells? I
2 mean --

3 A. You mean they both amount to 10,000
4 even?

5 151 Q. Yeah, they add up to -- \$6,556 is
6 the first cheque and \$3,444 is the second and together
7 they add up to \$10,000. Do you have any sense of --

8 A. Strange things happen in banking,
9 you know.

10 152 Q. Um-hmm. Okay. And for that second
11 cheque do you remember what the money was for? Was it
12 the hedge, the --

13 A. It could have been for something
14 that he did for us. Or it could be a payment, you know,
15 for the time that Joe sold the house. I just don't
16 recall.

17 BY MS. GROSKAUFMANIS:

18 153 Q. Could I just ask you a few
19 questions about Joe selling the house. This is the house
20 at 5A Norwood Road; is that the house?

21 A. No. We are talking about the house
22 on Glen Manor.

23 154 Q. Glen Manor? Okay, thank you.

24 BY MR. BUTT:

25 155 Q. I'd like to ask you now, if I

1 could, a few more questions --

2 A. Excuse me, I have to go downstairs.

3 I'll be back in a second.

4 156 Q. Sure.

5 -- OFF THE RECORD --

6 THE WITNESS: You'll have to excuse me,
7 even at night when I go to sleep I have to get up. I
8 don't get a night's sleep. I have to get up every 45
9 minutes, every hour. I don't know what's happened, they
10 wanted to do what they call the operation which I am very
11 -- I don't really like, if you know. I don't like
12 anybody going inside, but I don't have enough sleep.

13 BY MR. BUTT:

14 157 Q. Um-hmm.

15 A. I go to sleep and this is honest to
16 goodness truth, every hour, 45 minutes I have to get up.
17 I don't get two, three hours sleep.

18 MR. LAFONTAINE: I think if it's
19 helpful, Mr. Jakobek is talking about a prostate problem.

20 BY MR. BUTT:

21 158 Q. Yes, I understand that. No, I
22 understand. My dad has the same thing. Okay. You know
23 what? We'll try to be as quick as we can because I know,
24 I don't want to keep you late. I appreciate, again, your
25 agreeing to see us.

1 I'd like to ask you, if I could, about
2 some more transactions in that same Bank of Nova Scotia
3 account. And we have the records for the period from
4 September 30th of 1999 to December 31st, 2001. During
5 that period of time, \$9,091.42 goes into the account and
6 \$9,094 --

7 MS. GROSKAUFMANIS: That's \$9,144.

8 MR. BUTT: Yes, I'm just taking off the
9 150.

10 MS. GROSKAUFMANIS: Yes.

11 BY MR. BUTT:

12 159 Q. Is written out to your son Tom. So
13 this account, there's five cheques written out during
14 that period; four of them are to your son Tom, so all the
15 money except \$50 goes out to him?

16 A. From Bank of Nova Scotia.

17 160 Q. From the Bank of Nova Scotia
18 account, yes. Can you help us with why that might be?

19 A. (Nods head).

20 161 Q. You're shaking your head no?

21 A. Look, as I said to you, the figures
22 mean nothing to me. The things are going in the bank, I
23 put the money when I need it, that's all I know. And as
24 far as bookkeeping is concerned, I don't keep any.

25 162 Q. Okay. We already asked you about

1 October 8th you put in \$3,400, this is in 1999, and then
2 October 15th you wrote \$3,444 to Tom; if we go ahead
3 there's -- the next activity is there's obviously some
4 interest and \$100 gets deposited, but the next large
5 amount of activity is August 17th, 2000, about a year
6 later, 10 months later. 3,000 gets deposited in cash, 30
7 \$100 bills, and you write a cheque to your son Tom for
8 \$2,900. Do you remember what that cheque would have
9 been?

10 A. Probably he did something for us.

11 163 Q. Okay. And then again later that
12 month, about four days later, you put in another 2,000 in
13 20s and hundreds, and then a few weeks later, three weeks
14 later, you write a cheque for \$1,750 to Tom. Do you
15 remember that one as well?

16 A. (Nods head).

17 164 Q. No, okay.

18 MR. LAFONTAINE: Shaking his head no,
19 for the record.

20 BY MR. BUTT:

21 165 Q. Right. Thank you. The last one,
22 again September of that year, 520 goes in in cash and
23 \$1,000 written to your son Tom. Are you able to help us
24 with that one?

25 A. (Nods head).

1 166 Q. Again --

2 A. I'm sorry, I really don't remember.

3 MR. BUTT: Okay.

4 BY MS. GROSKAUFMANIS:

5 167 Q. Mr. Jakobek, do you remember
6 whether these were gifts or whether these were
7 repayments?

8 A. Well, normally if he did something
9 for us we paid him after the thing was done. Also, we
10 pay him some money for Joe's debt to him because Joe was
11 unable to and we felt is not right, you know, I mean he
12 made a profit on it, also the house belong to both of
13 them and so in fact, you know, we felt like that he's
14 kind of not being fair to Tom, so we just was paying Tom
15 just to make sure that he -- that he gets his share,
16 whatever belongs to him.

17 168 Q. And this is the house that was sold
18 on Glen Manor?

19 A. Yes, sure.

20 169 Q. And I think you said that Joe
21 bought another house?

22 A. Yeah, sure.

23 170 Q. Where is that?

24 A. That's why he didn't have any money
25 to pay Tom because he bought another house on Norwood.

1 171 Q. Now, the house on Norwood though,
2 I'm looking at the property search for the house on
3 Norwood, and it looks like in 1998 that house was
4 transferred - sold - from Joe to Tom.

5 A. Could be. This I have no idea what
6 they did with all those combination -- with all those
7 real estate deals, I don't really have any -- they didn't
8 tell me what they doing, what they not doing with those.

9 172 Q. But you knew that -- you knew --

10 A. I knew about the Glen Manor, yeah.

11 173 Q. But you didn't know what --

12 A. I didn't know afterwards what kind
13 of transaction they made. I wasn't interested really.

14 174 Q. But you kept -- you kept giving Tom
15 money from time to time?

16 A. Yes.

17 175 Q. To right the wrong, what you saw
18 was wrong from Glen Manor?

19 A. Yes.

20 176 Q. Did you keep track of how much
21 money you gave Tom?

22 A. I think Joe keeps track of it.

23 177 Q. Joe keeps track of it?

24 A. Yeah.

25 178 Q. Joe keeps track of how much money

1 you gave Tom?

2 A. Well, he keeps -- more or less
3 whatever -- whatever concerns him he keeps track of it.

4 179 Q. Did you tell Joe when you gave
5 money to Tom?

6 A. We normally did, yes.

7 180 Q. And Joe would keep track of how
8 much money you gave to Tom?

9 A. He more or less keeps track of it.

10 181 Q. Will you ask Joe to produce
11 whatever records he has that shows that he's kept track
12 of the money you gave Tom?

13 MR. LAFONTAINE: Well, you can ask Joe
14 to produce the records.

15 THE WITNESS: I have no idea.

16 MR. LAFONTAINE: If you want to deal
17 with Joe, you can.

18 BY MS. GROSKAUFMANIS:

19 182 Q. But what you're telling us is you
20 told Joe how much money you were giving Tom and Joe kept
21 track of it. That's what you understand?

22 A. Well, we would mention to him that
23 we giving him money. If we told him exactly what we did,
24 I just cannot recall.

25 183 Q. I'm just trying to figure out how

1 you knew when you had paid off Tom?

2 A. Well, Joe would tell us because, I
3 mean, he must be keeping -- somebody must have kept the
4 record of this.

5 184 Q. Okay.

6 A. And he was the one that kept the
7 record.

8 185 Q. And those aren't -- but you didn't
9 keep the records of what you were paying Tom?

10 A. No.

11 186 Q. Okay. So Joe would be -- and you
12 don't know anything about the property on Norwood, how
13 that was transacted?

14 A. I have no idea what they did there,
15 no.

16 187 Q. Do you know how much you felt that
17 Tom -- that was owing to Tom from the sale of the
18 property on Glen Manor?

19 A. Around 50,000. 50, 55, I guess.
20 Something around 50-60,000.

21 188 Q. Okay. And by what you know now,
22 have you paid Tom that 50 or \$60,000?

23 A. Not all of it. Not all of it yet.

24 189 Q. And do you know, you may have
25 answered this already and I'm sure we can find out

1 another way, but do you know when the house on Glen Manor
2 was sold?

3 A. No. I don't. How could I know the
4 date? I don't know the dates.

5 190 Q. I just meant even approximately.

6 MR. LAFONTAINE: If you've got when
7 Norwood was purchased, you probably have it pretty close.

8 MS. GROSKAUFMANIS: I have when Norwood
9 was transferred from Joe to Tom. It went on to land
10 titles so it's a different type of search.

11 MR. LAFONTAINE: I'm sure we could get
12 that information for you very quickly if you need those
13 dates.

14 BY MS. GROSKAUFMANIS:

15 191 Q. Mr. Jakobek, do you have an
16 American Express card?

17 A. I have an American Express card,
18 yes.

19 192 Q. Did you have --

20 A. You mean the credit card?

21 193 Q. Yes.

22 A. Like Visa? Yeah, I got all kinds
23 of them, Visa, Mastercard, American Express, what else?
24 Loblaws or some other.

25 194 Q. Okay. I'll just ask you about the

1 American Express. Did you have it in October 1999?

2 MR. LAFONTAINE: How long have you had
3 the American Express?

4 BY MR. BUTT:

5 195 Q. That's five years ago now.

6 A. You see, what happened lately,
7 which confused me completely, when I was dealing with
8 Canada Trust the American Express was owned by some other
9 company, and when they marriage with Toronto Dominion all
10 of a sudden they send me a new card that says city
11 something or other.

12 196 Q. Citibank?

13 A. Citibank.

14 MS. GROSKAUFMANIS: I think that may
15 have been Canada Trust Mastercard. The American Express
16 card is a different kind of credit card, sir.

17 THE WITNESS: Could be, yeah.

18 BY MR. BUTT:

19 197 Q. The reason I ask is because again,
20 in that account that we've looked at earlier, number
21 152017, there's a payment to an American Express card and
22 I'm just wondering if you can tell us whose American
23 Express that paid? The number of the American Express is
24 not there.

25 MR. LAFONTAINE: Which date is this?

1 MR. BUTT: It's in October 6th, 1999.

2 MR. LAFONTAINE: Which account again,
3 sorry? On one of the Canada Trust accounts?

4 MR. BUTT: Yes, it's the Canada Trust
5 account, branch 322.

6 MR. LAFONTAINE: So tab 3 of your book?

7 MS. GROSKAUFMANIS: Um-hmm.

8 MR. BUTT: October 6th, \$1,500.

9 MS. GROSKAUFMANIS: If you look at page
10 14 in tab 22 --

11 MR. LAFONTAINE: Yes.

12 MS. GROSKAUFMANIS: -- there is a debit
13 for \$1,500 and it must be off other documentation we have
14 from this bank that indicates that that's going to an
15 American Express. It's an American Express payment.

16 MR. LAFONTAINE: So what we see is
17 October 6th, 1999, withdrawal \$1,500, which leaves the
18 account with only \$75.03, that 1,500 goes to an American
19 Express payment.

20 MR. BUTT: I may have misspoken. I've
21 got the copy of the original receipt. \$1,500 does appear
22 to go to American Express.

23 MR. LAFONTAINE: It says that the bill
24 payment is waived because he's a senior. Is that right?

25 MS. GROSKAUFMANIS: I think that's

1 probably the bill surcharge for a transaction but the
2 \$1,500 payment is to the credit of an American Express
3 account.

4 MR. LAFONTAINE: And the payment is
5 actually for \$3,755.63 because the customer brought
6 \$2,270 cash with him.

7 MS. GROSKAUFMANIS: Oh, I see.

8 MR. LAFONTAINE: Tack that on top of
9 the \$1,500 that was withdrawn to make the payment of
10 \$3,755.63. Is that it?

11 MR. BUTT: If that's what the document
12 says.

13 MR. LAFONTAINE: That's what it seems
14 to indicate.

15 MS. GROSKAUFMANIS: Um-hmm. I think
16 that's right. I'm sorry, that's clear, the \$1,500 was
17 withdrawn from the account, there's 2,270 in cash making
18 the total payment to American Express of \$3,755.63.

19 MR. LAFONTAINE: Do you have American
20 Express payment receipts here? No? He's indicating no.

21 THE WITNESS: To be honest, I had very
22 little dealing with American Express, practically none.

23 BY MS. GROSKAUFMANIS:

24 198 Q. Did you use credit cards, sir?

25 A. I use -- I think I use it for some

1 small items. I know that I think that my wife pays all
2 the grocery bills to get the points because they giving
3 you some kind of a points that he discount on the grocery
4 store.

5 199 Q. Yes.

6 MR. BUTT: Yes.

7 BY MS. GROSKAUFMANIS:

8 200 Q. That's a lot of groceries for
9 \$3,700. I'm just to understand --

10 A. Yes, sure.

11 201 Q. Did you ever pay anyone else's
12 American Express account? Did you, for example, ever pay
13 Tom's American Express account?

14 A. Not that I -- as I told you, I have
15 very, very little transaction with the American Express.

16 BY MR. BUTT:

17 202 Q. Do you think that you, in one
18 month, would have paid \$3,700 to American Express
19 yourself?

20 MR. LAFONTAINE: You know what? I
21 don't know if it's useful, because you can probably get
22 the document rather than just have him sort of blindly
23 guessing at it. It would be more useful to get the
24 document and see what it says in terms of whose it was.

25 BY MR. BUTT:

1 203 Q. Right, but if you tell us that you
2 never paid that, I don't know.

3 A. Well, you see, like, my wife has
4 also the credit -- the American Express, maybe she did
5 something. I have no idea.

6 204 Q. Okay. All right. Now, the cash
7 that you keep around the house, where does it come from?

8 A. Well, in '84 with my wife -- when
9 my mother died, I was in June in '84 I was in Poland, so
10 she was seriously ill, so she gave me some I think about
11 two watches, about three or four rings, some earrings,
12 you know, whatever jewellery she has. I sold it and I
13 brought the money here. Then it also --

14 205 Q. How much was that?

15 A. Maybe seven, \$8,000. Also if you
16 remember the Hunt Brothers when they cornered the silver
17 market, you remember that?

18 206 Q. Um-hmm.

19 A. You remember that? Gold went to
20 \$800 and silver went to about \$60. During my work at
21 Singer's, we also always, when we weren't busy, outside,
22 we were also in the store. At that time we still had the
23 silver coins in Canada. So I used to take all the silver
24 coins and save them. You know, take the \$5 silver coins,
25 put the bill and save it.

1 this cash at home?

2 A. I mostly, yes. I deposited it when
3 I need it, when I issue -- when I knew that I have to
4 issue a cheque, I was putting the money in the bank and
5 then issue the cheque. But mostly I keep lots of money
6 at home, which is a bad habit, I guess, but unfortunately
7 that's the way I do it. Especially with all those home
8 invasion and it's not very safe right now, you know. I
9 would -- I would really resent if you would publish this
10 to the press because you already -- you already as far as
11 I remember from the -- from the newspapers that you make
12 public my number of my account which is not really that I
13 appreciate, you know.

14 210 Q. Sir, there's a press ban that your
15 account cannot be published, sir.

16 A. I mean certain things has to be
17 kept because what's happened in this jungle right now.
18 Okay.

19 MR. LAFONTAINE: It might be wise not
20 to have the money here anymore after Thursday.

21 THE WITNESS: Yeah. It's true.
22 Especially in this street on both sides you have the
23 apartments.

24 MR. LAFONTAINE: Okay.

25 THE WITNESS: The subsidized apartments

1 with all the nice people there, you know.

2 MR. LAFONTAINE: Anyway...

3 BY MS. GROSKAUFMANIS:

4 211 Q. Just so that we're clear, I sort of
5 want to sum up and make sure I understand this.

6 A. Sure.

7 212 Q. The money that you were paying Tom,
8 you haven't been able to assist us what it was for
9 exactly; you certainly remember that it was for things
10 that he did for you?

11 A. Sure.

12 213 Q. Around the house?

13 A. Yeah.

14 214 Q. You were also repaying him,
15 essentially?

16 A. Repaying him, yes.

17 215 Q. For money that you felt that your
18 other son, Joe, owed him from the sale of the property on
19 Glen Manor?

20 A. As a matter of fact, for a few
21 years he plainly refused, he didn't want to take any, but
22 eventually we said well, there is no point, you know, we
23 have to give it to you because anyway you're going to get
24 it sooner or later.

25 216 Q. And you felt that the debt that was

1 owing to Tom from the sale of Glen Manor was somewhere
2 around 50 or \$60,000 and that as far as you know, Joe was
3 somehow keeping track of that and you can't quite
4 remember if each time you told Joe, but somehow Joe was
5 keeping track of that money so you knew how much you'd
6 paid Tom, and I think you also said you still haven't
7 repaid Tom the full amount of money, right?

8 A. I don't think all the way, no. I
9 think there's still some that I am eventually going to
10 give it to him.

11 BY MR. BUTT:

12 217 Q. I need to ask you just a couple
13 more questions. In your Canada Trust account, branch
14 322, account 150152017, and that's tab 3, we've been
15 dealing with that before, there is in 2000 a transfer to
16 an account number 032750966.

17 MS. GROSKAUFMANIS: Page 15.

18 MR. LAFONTAINE: Yes.

19 BY MR. BUTT:

20 218 Q. Actually I'm looking at page 19.

21 MR. LAFONTAINE: Whose account is that,
22 do you know?

23 BY MR. BUTT:

24 219 Q. That's what I want to know. There
25 is a transfer in May of 2000 on page 18 to that same

1 account number of \$442, and then in June of 2000 a
2 transfer of 7,450?

3 MR. LAFONTAINE: 0750966 is his U.S.
4 dollar account. It's at tab 7.

5 MR. BUTT: 750966?

6 MR. LAFONTAINE: Yes. That's my
7 client's U.S. dollar account. So money going into that
8 account would have gone into U.S. funds or Canadian funds
9 but they're both his accounts.

10 MR. BUTT: Thanks, that helps.

11 MR. LAFONTAINE: I'm sorry if I
12 answered.

13 THE WITNESS: That's okay.

14 MR. BUTT: That's fine. I appreciate --

15 MR. LAFONTAINE: As long as nobody
16 minds.

17 BY MR. BUTT:

18 220 Q. -- the information. I don't mind
19 at all. Maybe you can help us, 509074.

20 MR. LAFONTAINE: That's Maria Michie's
21 account that she holds jointly with Ursula Jakobek and
22 that's at tab 6.

23 MR. BUTT: Right.

24 MR. LAFONTAINE: It's a savings
25 account.

1 MR. BUTT: Okay.

2 MR. LAFONTAINE: There's money going
3 from my client's account to my other client's account.

4 MR. BUTT: Right.

5 MR. LAFONTAINE: Ursula Jakobek has
6 signing authority over both. Your wife, Ursula, has
7 signing authority over some accounts of yours and also
8 she's a joint -- in a joint account relationship with
9 Maria Michie?

10 THE WITNESS: That's right, yes.

11 MR. LAFONTAINE: Is the reasoning the
12 same for that?

13 THE WITNESS: Sure.

14 MR. BUTT: Okay.

15 BY MS. GROSKAUFMANIS:

16 221 Q. Did Tom ever give you money?

17 A. Not that I can remember, no.

18 MR. LAFONTAINE: Could we go off the
19 record just for a moment?

20 MR. BUTT: Sure.

21 -- OFF THE RECORD DISCUSSION --

22 BY MS. GROSKAUFMANIS:

23 222 Q. Mr. Jakobek, did members of your
24 family know that you kept cash and gold, for example, at
25 home?

1 A. Oh, my wife knows, yes.

2 223 Q. Did your son Tom know?

3 A. I don't think so, no.

4 224 Q. Why do you think that he did not
5 know?

6 A. I don't trust anybody.

7 225 Q. Did anyone other than your wife
8 Ursula know?

9 A. Well, she knows but, I mean, nobody
10 else knows, no. They don't know.

11 226 Q. Did your son Joe know?

12 A. Well, he would now probably I told
13 him but before he didn't know anything.

14 227 Q. When you said now you've told him,
15 what do you mean now?

16 A. Well, recently. But normally he
17 didn't know either. Nobody knew it, no.

18 228 Q. Okay. When you say -- I'm just
19 trying to understand "recently." When you say
20 "recently," do you mean since this has all been part of
21 the inquiry or did you tell him beforehand?

22 A. Well, I may have mentioned to him,
23 I suggest in case something happened, you know, I could
24 have mentioned to him, I don't know, a year ago, two
25 years ago.

1 229 Q. Okay. And did Tom, did your son
2 Tom know?

3 A. Tom doesn't know anything at all
4 what happened. He is too busy all the time. If I want
5 to talk to my son, I have to make an appointment. You
6 can believe it or not. And so, even that's what I
7 resent, really, because I was used to a family that kind
8 of, you know, if you want to see somebody, you see. But
9 right now they all so busy with their own life that it's
10 practically impossible to get -- you know, they all have
11 all children, they all have their own life, they all have
12 their own problems. I am just -- I am just a man out,
13 you know. Like, I mean, I don't count anymore.

14 230 Q. Are you close to your son? Are you
15 close to your son now?

16 A. We are close, yes. Naturally we
17 will do anything for them but he probably -- they
18 probably would do anything for me. But is not the type
19 of closeness that I am used from the old time. You see,
20 like -- well, naturally you would not remember it, but
21 you know, when I remember in Poland, we used to -- we
22 used to be really close, you know? Like here we see each
23 other maybe on birthdays or Christmas or some other
24 things, you know.

25 In Poland there was no television at

1 the time, there was no radio. Was radio, somebody have,
2 somebody will have. So people have to come together to
3 talk to them, to talk among themselves and among the
4 rest. Right now with all those new technology,
5 television, radio, the internet, the things are
6 completely different.

7 So I kind of resent it but I guess I
8 cannot do it -- I cannot do anything about it.

9 231 Q. But you're close to your son Tom,
10 in a different way but you're close to your son?

11 A. Well, we are close definitely, but
12 not the way that I feel it should be. Sure, we go to
13 seen grandchildren very often and we give them birthday
14 presents and we take them for here and there, you know.
15 But as I mentioned to you, is a different thing than it
16 used to be in Europe. If you come from Europe and you
17 have parents they would tell you the same thing.

18 232 Q. You have three sons?

19 A. Yes.

20 233 Q. There's Tom and Joe?

21 A. Tom, Joe and Mike, yeah.

22 234 Q. And do your sons help you around
23 the house, do they help you do things?

24 A. They definitely. They cut the
25 grass for me sometimes, yeah.

1 235 Q. Who does most -- who does most of
2 your helping?

3 A. Well, in the major things, Tom
4 would do the things, like he has more experience than
5 anybody else. But the little things, you know, like
6 cutting the grass or cutting the hedge, they all help a
7 little. All their sons come also here and help me.

8 236 Q. Do you pay your other sons as well?

9 A. I pay them -- I pay the boys.

10 237 Q. The boys?

11 A. The boys. The boys normally cut
12 the hedge, cut the grass, so I give them a few bucks, you
13 know, just well, somebody has to give them something, you
14 know.

15 238 Q. I meant with your sons, you
16 certainly have told us about how Tom would do things for
17 you, the hedge, the fence or whatever. Do your other
18 sons do things for you as well? Does Joe take care of
19 fences and things like that?

20 A. Well, if I need something certainly
21 they will do it for me, yes.

22 239 Q. And do you pay them back too?

23 A. I paid the debts if they're
24 happening.

25 240 Q. You pay their debts?

1 A. That's all I remember. The few
2 times I paid their debts, you know, like Visa cards and
3 Mastercards when they go overboard.

4 241 Q. I guess what I'm wondering is that
5 we see in your bank accounts there are a lot of cheques
6 to Tom but there aren't cheques to, for example, your son
7 Joe?

8 MR. LAFONTAINE: There are cheques to
9 Joe on some accounts.

10 BY MS. GROSKAUFMANIS:

11 242 Q. On some accounts. But there are
12 more cheques to Tom and your other -- I'm sorry, your
13 other son's name is?

14 MR. LAFONTAINE: Mike.

15 BY MS. GROSKAUFMANIS:

16 243 Q. Mike. Cheques to Mike?

17 A. I paid his Visa a few times I
18 remember, yeah, a long time ago. Now he don't need it
19 anymore.

20 244 Q. Okay.

21 A. But it was a time when I paid his
22 Visa.

23 245 Q. Okay. And do Mike and Joe buy you,
24 you know, take care of the fence or take your car in or
25 do things around the house that you'd have to repay them

1 for too?

2 A. Not really. I don't repay them.

3 246 Q. Why don't you repay them?

4 A. I repay them -- I repay their sons.

5 So to say when they do something for me, I give them some
6 money.

7 247 Q. But their sons are children?

8 A. Yeah.

9 248 Q. They're little kids?

10 A. Yeah, not little. They already --
11 they already in high school. They are already finishing
12 high schools.

13 249 Q. So they're teenagers?

14 A. Yeah.

15 250 Q. And do you pay Tom's children as
16 well when they do things?

17 A. Well, we give them some gifts or
18 something.

19 251 Q. I'm just trying to understand with
20 Tom we've got some cheques that you write to Tom and
21 you've explained the reason for that, and I've asked you
22 about whether you pay your sons Joe and Michael as well?

23 MR. LAFONTAINE: The issue I guess is
24 do Joe and Michael undertake any major expenditures on
25 your behalf that would require repayment? Does that ever

1 happen? Do they ever buy a fence for you or pay for the
2 roof?

3 THE WITNESS: Well, as I told you,
4 mostly -- mostly if I need something done is Tom that
5 does it.

6 MS. GROSKAUFMANIS: Okay.

7 MR. LAFONTAINE: Sorry for
8 interrupting.

9 MS. GROSKAUFMANIS: That's okay.

10 BY MR. BUTT:

11 252 Q. In September of 2000, and I'm
12 looking at tab 5 --

13 MR. LAFONTAINE: That's the Polish
14 credit union account?

15 BY MR. BUTT:

16 253 Q. Yes, the third page in. There's a
17 withdrawal of \$5,500 and on the 26th, and --

18 MR. LAFONTAINE: Withdrawal of \$4,500
19 the same day, emptying the account almost?

20 BY MR. BUTT:

21 254 Q. Yes. Do you remember what you did
22 with that money?

23 A. Probably I had to pay something,
24 somebody, I don't know.

25 255 Q. Yeah. Okay. Because if we look at

1 Tom's Bank of Nova Scotia account, we see that on
2 September 28th, \$5,500 goes in. Could that have been the
3 money that you took out to give to Tom?

4 A. How could I know? I just don't
5 remember all the transactions.

6 256 Q. According to Tom's bank records, it
7 was a cheque from you.

8 A. A cheque from me or from the bank?

9 257 Q. Well, it's on your account, a
10 cheque written on your account.

11 MR. LAFONTAINE: So there's a cheque to
12 Tom from you for the \$5,500 that represents the \$5,500 on
13 September the 26th. Do you remember why it was you gave
14 Tom that \$5,500 or not?

15 THE WITNESS: I don't remember.

16 MR. LAFONTAINE: The answer is no.

17 MR. BUTT: Okay.

18 MR. LAFONTAINE: And it looks like the
19 source of the funds, just so we're clear, there is an
20 \$8,000 term deposit that was yours that was deposited on
21 August the 26th or that was rolled back into your
22 account.

23 THE WITNESS: There was some kind of a
24 roll-back from one account to the other.

25 MR. LAFONTAINE: All right.

1 BY MR. BUTT:

2 258 Q. And then just to wrap things up,
3 according to the accountants, in October and November of
4 1999 Tom received from his parents or grandmother
5 altogether about \$30,000. Was there anything special
6 about October or November 1999 that led to him getting
7 that amount over that period of time?

8 A. Well, how can I know? I cannot
9 know. I couldn't know.

10 259 Q. Okay.

11 A. You see, not that I try to be
12 smart, but, I mean, all those transaction, I mean, there
13 are too many of them.

14 260 Q. Yes. Okay. That's fine. I think
15 those are all the questions that I have for you.

16 A. Okay.

17 261 Q. Thank you very much --

18 A. You're welcome.

19 262 Q. -- for all your time.

20 A. Now, do you need any other
21 documents or anything else?

22 MR. LAFONTAINE: I'll hang on to the
23 ones we need copies and you hang on to this and get it
24 out of the house.

25 THE WITNESS: You don't need all my

1 letters, like Montecassino and --

2 MR. LAFONTAINE: From the people who
3 opened the road to Rome. He kept escaping.

4 MR. BUTT: Very good. No, we wouldn't
5 want to take those away from you. Those are very
6 valuable and very precious to you.

7 THE WITNESS: I have to give them
8 sooner or later. It would be nice if somebody would know
9 about it.

10 MR. LAFONTAINE: Can we go off the
11 record?

12 MR. BUTT: Yes.

13

14 -- Whereupon the interview adjourned at 7:10 p.m.

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1 REPORTER'S CERTIFICATE

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I, KIMBERLEY A. NEESON, RPR, CRR,
CSR, CCP, Certified Shorthand Reporter, certify;

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That the foregoing proceedings were
taken before me at the time and place therein set forth,
at which time the witness was put under oath by me;

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That the testimony of the witness
and all objections made at the time of the examination
were recorded stenographically by me and were thereafter
transcribed;

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Dated this 21st day of September, 2004.

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NEESON & ASSOCIATES

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PER:KIM NEESON, RPR, CRR, CCP, CSR

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