



**Department of Justice  
Canada**

Ontario Regional Office  
National Litigation Sector  
120 Adelaide Street West  
Suite #400  
Toronto, Ontario  
M5H 1T1

**Ministère de la Justice  
Canada**

Région de l'Ontario  
Secteur national du contentieux  
120, rue Adelaide ouest, pièce 400  
Toronto, Ontario  
M5H 1T1

Telephone/Téléphone: (416) 256-7498  
Fax/Télécopieur: (416) 973-0809  
Email/Courriel: [roger.flaim@justice.gc.ca](mailto:roger.flaim@justice.gc.ca)  
Our File: 500032381

**VIA EMAIL**

July 25, 2025

Sara Erskine  
Book Erskine LLP  
360 Bay Street  
Suite 500  
Toronto, Ontario  
M5H 2V6

Sara:

**Re: Equibit Group Ltd. v The Attorney General of Canada et al.  
Court File No.: CV-20-00645492-0000**

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We are writing to confirm the information we provided in our conversation of July 24, 2025 concerning statutory and common law limitations applicable to certain information that may be sought during the examination for discovery of the representative for the Attorney General of Canada (Canada) in this case.

Canada's representative for discovery works for the Canadian Security Intelligence Service (CSIS). His name is Michel, but he prefers "Michael". Canada undertakes to produce Michael for the scheduled examination. Thus, per [Rule 34.06](#), we do not require a Notice of Examination for Michael.

Michael currently works within CSIS's Litigation and Disclosure branch. He is an intelligence officer who has previously held various positions including working in covert operational capacities and with human sources. His evidence will confirm Canada's statements in its Statement of Defence, as reflected in its List of Documents listing no documents, namely, that CSIS had nor has any involvement in the facts of this case.

It is extraordinary for CSIS to be this transparent concerning its activities (or non-activities). As reflected in the response your client received to its ATIP request (Plaintiff's Documents #122), the fact of CSIS's activities (or non-activities) receives protection under various statutes (including the ATIP statutes, the CSIS Act, the *Canada Evidence Act* (CAE), and others). In this case, given that the time and expense needed to protect this information – including potentially through an application to the Federal Court pursuant to section 38 of the CAE – is out of proportion to the costs of defending the action, an exception is being made.

Nevertheless, Canada will be advancing well recognized statutory and common law privileges in respect of certain classes of information that may be sought during the examination. In particular, pursuant to section 18 of the CSIS Act, we will refuse questions that may disclose, directly or in conjunction with other information, Michael's identity, including his last name, city of residence, or any other personal identifiers. Beyond the statutory protection afforded this information as reflected in caselaw,<sup>1</sup> such information is not relevant.

Further, as discussed, we may raise privileges including those set out in sections 37 and 38 of the CAE in respect of any relevant questions the answers to which may disclose sensitive or potentially injurious information as defined in the CAE and related caselaw. To avoid formally invoking the privileges, and the further litigation that can therefore arise, we will take such questions under-advisement. Following the examination, we can consult on which questions you elect to maintain and we can provide our position in the normal course and formally invoke the relevant privileges at that time should it be necessary to do so.

Sincerely,



Roger Flaim  
Senior Counsel  
RF:jt

c. Kim Ferreira, Speigel Nichols Fox LLP, Via Email: [kim@ontlaw.com](mailto:kim@ontlaw.com)  
(Counsel for Sergei Sachkov)

James R. Milne, Sachdeva Milne Law Group, Via Email: [james@sachdevamilne.com](mailto:james@sachdevamilne.com)  
(Counsel for Kartik Patel)

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<sup>1</sup> *Huang v. Canada (Attorney General)*, 2017 FC 662, [para 74](#); *Ebadi v. Canada*, 2022 FC 834, [para 7](#); *Dulai v. Canada (Public Safety and Emergency Preparedness)*, 2021 FC 933, [paras 81-82](#)