



Affidavit of Michèle Hay #1
Sworn: February 14, 2019

No. S-1813807
Vancouver Registry

**IN THE SUPREME COURT OF BRITISH COLUMBIA
IN BANKRUPTCY AND INSOLVENCY**

**IN THE MATTER OF THE PART XIII OF THE
BANKRUPTCY AND INSOLVENCY ACT, R.S.C. 1985, C. B-6,
AS AMENDED**

AND

**IN THE MATTER OF MASAHIKO NISHIYAMA,
BANKRUPT UNDER THE LAWS OF JAPAN**

AFFIDAVIT

I, **MICHÈLE HAY**, Legal Assistant, of Suite 2300 – 550 Burrard Street, Vancouver, BC, SWEAR THAT:

1. I am employed with the firm of Gowling WLG (Canada) LLP, counsel for Hiroshi Morimoto, the Trustee in Bankruptcy of Masahiko Nishiyama, and as such have personal knowledge of the facts and matters hereinafter deposed to, save and except where the same are stated to be based on information and belief, and where so stated I verily believe them to be true.

2. Attached hereto and marked as Exhibit "A" to this my Affidavit is a copy of an email dated February 13, 2019 from Miyako Ikuta to Colin Brousson.

SWORN BEFORE ME at Vancouver, this
14 day of February 2019.

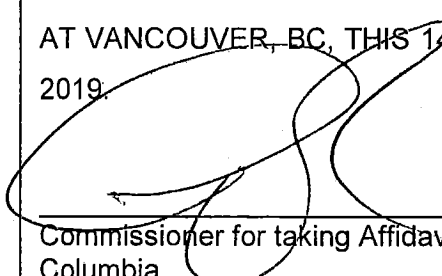
A Commissioner for taking Affidavits within
the Province of British Columbia


MICHELE HAY

COLIN BROUSSON
GOWLING WLG (CANADA) LLP
BARRISTER & SOLICITOR
550 BURRARD STREET - SUITE 2300
BENTALL 5 - VANCOUVER, B.C. V6C 2B5
V494031VAN_LAW 2019-02-14 (604) 683-6498

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THIS IS EXHIBIT "A" REFERRED TO IN THE
AFFIDAVIT OF MICHÈLE HAY SWORN BEFORE ME
AT VANCOUVER, BC, THIS 14TH DAY OF FEBRUARY,
2019.


Commissioner for taking Affidavits within British
Columbia

COLIN BROUSSON
GOWLING WLG (CANADA) LLP
BARRISTER & SOLICITOR
550 BURRARD STREET - SUITE 2300
BENTALL 5 - VANCOUVER, B.C. V6C 2B5
TELEPHONE: (604) 683-6498

From: IKUTA Miyako [mailto:MIkuta@kitahama.or.jp]

Sent: February-13-19 12:34 AM

To: Brousson, Colin D. <Colin.Brousson@gowlingwlg.com>

Cc: atillman@alvarezandmarsal.com; Hay, Michèle <Michele.Hay@gowlingwlg.com>; Bradshaw, Jeffrey <Jeffrey.Bradshaw@gowlingwlg.com>; NAKA Ryosuke <RNaka@kitahama.or.jp>; C-PJ-Kyoto <C-PJ-Kyoto@kitahama.or.jp>

Subject: RE: Bankruptcy of Mashiko Nishiyama; SCBC No. S1813807

Dear Colin,

The status of the service is as follows:

Delivered to	Delivery status of a certified postal letter 配達証明郵便で送付			FAX送信		emailメール送信	
	Status	Delivered date	Note	Status	Sent date	Status	Sent date
Masahiko 正彦	○	Received on Feb 8, 2019	Masahiko sent a content certified letter to Trustee in which he acknowledged his reception of our letter on Feb 7, 2019.	---	---	---	---
Mr Nakamichi 中道弁護士	○	Received on Feb 8, 2019	Opened and returned immediately	○	Received on Feb 8, 2019	---	---
Mr Naka 仲弁護士	○	Received on Feb 8, 2019	Unopened and returned immediately; Mr. Naka called us by saying this is out of scope of his mandate so he cannot receive it. He also sent a content certified letter to Trustee to confirm the same.	○	Received on Feb 8, 2019	---	---
Mr Murao 村尾弁護士	○	Received on Feb 8, 2019	---	○	Received on Feb 8, 2019	○	Received on Feb 8, 2019

If you need any piece of evidence, please let us know.

We received a content certified letter dated Feb 12, 2019 as attached from Masahiko Nishiyama.

I rapidly translated it as follows:

I reply to your English documents I received on Feb. 7, 2019.

- 1. I understand that there is a hearing at court in Canada on Feb 15, 2019 but I do not understand what is the purpose of this notification. I cannot take any measures because I have only one remaining week. In addition, I cannot leave country due to your opposition. This document should have been obtained much earlier perhaps but you are trying to deprive any defense rights from me, aren't you?*
- 2. Thereafter, please send me any English document with Japanese translation for my understanding. The cost in order to accurately translate them is too huge to bear for me. You are sending me English legal documents under Canadian law by depriving my defense rights and don't you think it is so dishonest.*
- 3. All items through post arrived at you so I have no knowledge of anything. Please do not send those English documents for your excuses to the court. You shall send me the case numbers of the court cases in Singapore and in Hong kong and report them to me. It is urgent.*
- 4. You are famous attorney so please give me opportunity to argue and to defend myself at court. I do not think you deserve to be legal abuser.*

The last word in Japanese is a quite strong word and insulting.

Best regards,

Miyako

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File No. V49403

CDB/msh