

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**BETWEEN:**

**SAMUEL BERG**

Plaintiff

and

**CANADIAN HOCKEY LEAGUE, ONTARIO MAJOR JUNIOR HOCKEY LEAGUE, ONTARIO HOCKEY LEAGUE, WESTERN HOCKEY LEAGUE, QUEBEC MAJOR JUNIOR HOCKEY LEAGUE INC., WINDSOR SPITFIRES INC., LONDON KNIGHTS HOCKEY INC., BARRIE COLTS JUNIOR HOCKEY LTD., BELLEVILLE SPORTS AND ENTERTAINMENT CORP., ERIE HOCKEY CLUB LIMITED, GUELPH STORM LIMITED, KINGSTON FRONTENAC HOCKEY LTD., 2325224 ONTARIO INC., NIAGARA ICEDOGS HOCKEY CLUB INC., BRAMPTON BATTALION HOCKEY CLUB LTD., GENERALS HOCKEY INC., OTTAWA 67'S LIMITED PARTNERSHIP, THE OWEN SOUND ATTACK INC., PETERBOROUGH PETES LIMITED., COMPUWARE SPORTS CORPORATION, SAGINAW HOCKEY CLUB, L.L.C., 649643 ONTARIO INC c.o.b. as SARNIA STING, SOO GREYHOUNDS INC., McCRIMMON HOLDINGS, LTD. AND 32155 MANITOBA LTD., A PARTNERSHIP c.o.b. as BRANDON WHEAT KINGS., 1056648 ONTARIO INC., REXALL SPORTS CORP., EHT, INC., KAMLOOPS BLAZERS HOCKEY CLUB, INC., KELOWNA ROCKETS HOCKEY ENTERPRISES LTD., HURRICANES HOCKEY LIMITED PARTNERSHIP, PRINCE ALBERT RAIDERS HOCKEY CLUB INC., BRODSKY WEST HOLDINGS LTD., REBELS SPORTS LTD., QUEEN CITY SPORTS & ENTERTAINMENT GROUP LTD., SASKATOON BLADES HOCKEY CLUB LTD., VANCOUVER JUNIOR HOCKEY LIMITED PARTNERSHIP, 8487693 CANADA INC., CLUB DE HOCKEY JUNIOR MAJEUR DE BAIE-COMEAU INC., CLUB DE HOCKEY DRUMMOND INC., CAPE BRETON MAJOR JUNIOR HOCKEY CLUB LIMITED, LES OLYMPIQUES DE GATINEAU INC., HALIFAX MOOSEHEADS HOCKEY CLUB INC., CLUB HOCKEY LES REMPARTS DE QUEBEC INC., LE CLUB DE HOCKEY JUNIOR ARMADA INC., MONCTON WILDCATS HOCKEY**

CLUB LIMITED, LE CLUB DE HOCKEY L'OCEANIC DE RIMOUSKI INC., LES HUSKIES DE ROUYN-NORANDA INC., 8515182 CANADA INC. c.o.b. as CHARLOTTETOWN ISLANDERS, LES TIGRES DE VICTORIAVILLE (1991) INC., SAINT JOHN MAJOR JUNIOR HOCKEY CLUB LIMITED, CLUB DE HOCKEY SHAWINIGAN INC., CLUB DE HOCKEY JUNIOR MAJEUR VAL D'OR INC., WEST COAST HOCKEY ENTERPRISES LTD., MEDICINE HAT TIGERS HOCKEY CLUB LTD., PORTLAND WINTER HAWKS, INC., BRETT SPORTS & ENTERTAINMENT, INC., THUNDERBIRD HOCKEY ENTERPRISES, LLC, TOP SHELF ENTERTAINMENT, INC., SWIFT CURRENT TIER 1 FRANCHISE INC., 7759983 CANADA INC., LEWISTON MAINEIACS HOCKEY CLUB, INC., KITCHENER RANGER JR A HOCKEY CLUB, SUDBURY WOLVES HOCKEY CLUB LTD., GROUPE SAGS 7-96 INC., MOOSE JAW TIER ONE HOCKEY INC. DBA MOOSE JAW WARRIORS, KOOTENAY ICE HOCKEY CLUB LTD., LETHBRIDGE HURRICANES HOCKEY CLUB, and LE TITAN ACADIE BATHURST (2013) INC./THE ACADIE BATHURST TITAN (2013) INC.

Defendants

Proceeding under the *Class Proceedings Act*, 1992, S.O. 1992, C.6

### AFFIDAVIT OF KIARA SANCLER

I, Kiara Sancler, of the City of Toronto, in the Province of Ontario, MAKE OATH AND SAY:

1. I am a law clerk at Charney Lawyers PC. Based on information obtained from Brendan O'Grady whose information I believe to be true, I attach documents and describe them in this affidavit.

2. Attached as **Exhibit "A"** is an agreement, dated September 10, 2012, between the National Hockey League and Canadian Hockey League. Attached as **Exhibit "B"** is selected pages from the Collective Bargaining Agreement between the National Hockey League and its players effective September 16, 2012 to September 15, 2022.

3. Attached as **Exhibit "C"** is a letter, dated December 2, 2013, from the State of Washington, Department of Labor and Industries to the Spokane Chiefs (Hat Trick, Inc.).

4. Charney Lawyers PC is in possession of records of the State of Washington, Department of Labor and Industries' investigation into the four Washington-based clubs of the Western Hockey League ("**WHL**"). The following documents were included in those records.

5. Attached as **Exhibit "D"** is a letter with Exhibits attached to this letter being "A" to "E", dated February 11, 2014, from Barry Alan Johnsrud, counsel for the Western Hockey League and its clubs in Washington (the Everett Silver Tips, the Seattle Thunderbirds, the Spokane Chiefs and the Tri-City Americans).

6. Attached as **Exhibit "E"** is a legal memorandum, dated October 22, 2014, composed by Katy Dixon, Assistant Attorney General in the State of Washington. Attached as **Exhibit "F"** is supplementary legal memorandum by Ms. Dixon.

7. Attached as **Exhibit "G"** is as letter, dated December 30, 2014, from the State of Washington, Department of Labor and Industries to Mr. Johnsrud enclosing a questionnaire to be completed by the WHL clubs.

8. Attached as **Exhibit "H"** is a letter, dated February 9, 2015, from Barry Alan Johnsrud, responding to a letter from the State, dated December 30, 2014, with Exhibits attached to this letter being "1" to "8". Mr. Johnsrud provides information on behalf of the Spokane Chiefs.

9. Attached as **Exhibit "I"** is a letter, dated February 9, 2015, from Mr. Johnsrud, responding to a letter from the State, dated December 30, 2014, with Exhibits attached to this letter being "1" to "4". Mr. Johnsrud provides information on behalf of the Seattle Thunderbirds.

10. Attached as **Exhibit "J"** is a letter, dated February 10, 2015, from Mr. Johnsrud, responding to a letter from the State, dated December 30, 2013, with Exhibits attached to

this letter being "1" to "4". Mr. Johnsrud provides information on behalf the Tri-City Americans.

11. Attached as **Exhibit "K"** is a letter, dated February 13, 2015, from Mr. Johnsrud, responding to a letter from the State, dated December 30, 2014, with Exhibits attached to this letter being "1" to "3". Mr. Johnsrud provides information on behalf the Everett Silvertips.

12. Attached as **Exhibit "L"** is an article from Broadcaster Magazine, dated February 18, 2014, entitled, "Sportsnet Announces Multiplatform Rights Extension with Canadian Hockey League".

13. Attached as **Exhibit "M"** is a press release from the Canadian Hockey League, dated February 18, 2014, entitled, "CHL and Sportsnet Announce 12-Year Multiplatform Rights Extension".

14. Attached as **Exhibit "N"** is an article from the Star Phoenix, dated February 27, 2014, entitled, "WHL looking at tweak to player benefits".

15. Attached as **Exhibit "O"** is a redacted copy of a 2013 WHL Standard Player Agreement.

16. Attached as **Exhibit "P"** is a redacted copy of a 2014 WHL Standard Player Agreement.
17. The remaining exhibits were not part of the State of Washington's investigation records.
18. Attached as **Exhibit "Q"** is selected pages from Prospects Hockey magazine. Attached as **Exhibit "R"** is a printout from CHL.ca showing the covers of past editions of the magazine in English and French.
19. Attached as **Exhibit "S"** is a print-out of a webpage entitled, "This is the CHL". That webpage posts videos of episodes of a television program of the same name. Attached as **Exhibit "T"** is a CD containing copies of eight episodes.
20. Attached as **Exhibit "U"** is a CD containing various videos of the CHL posted on CHL.ca and YouTube.com.
21. Attached as **Exhibit "V"** is a press release posted on CHL.ca, dated June 30, 2015, entitled, "2015 Canadian Hockey League Import Draft Results".

22. Attached as **Exhibit “W”** is a press release, dated October 7, 2015, entitled, “405 CHL Grads Named to NHL Opening Day Rosters.”

23. Attached as **Exhibit “X”** is the CHL’s Broadcast Scheduled which was retrieved from CHL.ca on November 13, 2015.

24. Attached as **Exhibit “Y”** is a press release, dated September 4, 2015, entitled, “OHL Announces 2015-16 Rule Changes.”

25. Attached as **Exhibit “Z”** is a press release, dated September 14, 2015, entitled, “WHL Announces 2015-16 Rule Changes.”

26. Attached as **Exhibit “AA”** is an article, dated September 3, 2015, entitled, “Mario Cluina commits to Spitfires”.

27. Attached as **Exhibit “BB”** is an article, dated September 3, 2015, entitled, “Ryan McGregor commits to Sting”.

28. Attached as **Exhibit “CC”** is an article, dated September 5, 2015, entitled, “Colton Ineze commits to IceDogs”.

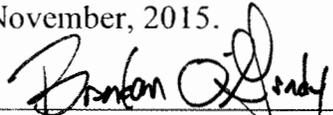
29. Attached as **Exhibit “DD”** is an article, dated September 8, 2015, entitled, “Joshua Dame commits to IceDogs”.
30. Attached as **Exhibit “EE”** is an article, dated September 9, 2015, entitled, “Greg Meireles commits to Rangers”.
31. Attached as **Exhibit “FF”** is an article, dated September 9, 2015, entitled, “Daniel Beaudoin commits to Spitfires”.
32. Attached as **Exhibit “GG”** is an article, dated September 24, 2015, entitled, “Sting name Daniel Nikandrov captain”.
33. Attached as **Exhibit “HH”** is an article, dated October 28, 2015, entitled, “Leafs prospect Jeremy Bracco commits to Rangers”.
34. Attached as **Exhibit “II”** is an article, dated October 29, 2015, entitled, “Aidan McFarland commits to Steelheads”.
35. Attached as **Exhibit “JJ”** is an article, dated September 22, 2015, entitled, “OHL Live Early Bird Pricing Now Available”

36. Attached as **Exhibit “KK”** is a printout of a webpage on CHL.ca, retrieved on November 13, 2015, explaining the OHL’s education policy.

37. Attached as **Exhibit “LL”** is a printout of a webpage on CHL.ca, retrieved on November 13, 2015, explaining the WHL’s education policy.

38. Attached as **Exhibit “MM”** is a printout of a webpage on CHL.ca, retrieved on November 13, 2015, explaining the QMJHL’s education policy.

SWORN BEFORE ME at the )  
City of Toronto in the Province of )  
Ontario, this 18<sup>th</sup> day of )  
November, 2015. )

  
\_\_\_\_\_  
**BRENDAN O'GRADY**  
**LSUC# 66419D**  
*(A Commissioner, etc.)*

  
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**KIARA SANCLER**