

**COMMUNITY  
LEGAL CLINIC**  
SIMCOE • HALIBURTON • KAWARTHA LAKES

Reply to: Erik Bornmann  
Direct: 705.326.6444 Ext. 59

October 22, 2013

**VIA FACSIMILE: 1-888-530-8796**

Sergiy Timokhov  
Barrister & Solicitor  
5255 Yonge Street Suite 800  
Toronto, ON M2N 6P4

Dear Mr. Timokhov:

**Re: Nikityuk et. al. ats. Danlova et. al. (Court No. 12-0545)**

Please provide me with copies of your client's October 16, 2013 Supplementary Affidavit of Documents Schedule A productions, bound and tabbed, with a copy of the sworn affidavit bound in front of it.

Enclosed is a draft Supplementary Affidavit of Documents. I will provide you with copies of my client's Schedule A productions bound and tabbed, with a copy of the sworn affidavit bound in front of it, by courier as soon as you confirm that our respective clients will continue to bear the costs of their own productions.

Yours truly,

COMMUNITY LEGAL CLINIC – SIMCOE, HALIBURTON, KAWARTHA LAKES

Per: 

Erik Bornmann  
Staff Lawyer

  
enc.

c. R. Bigioni VIA EMAIL: rbigioni@hrggp.ca

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Court File No. 12-0545-SR

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

**B E T W E E N:**

**SVETLANA DANILOVA AND PAVEL DANILOV**

**Plaintiffs**

**-and-**

**ALLA NIKITYUK, VALENTIN NIKITYUK, YANA SKYBIN, YOUNG MENS  
CHRISTIAN ASSOCIATION operating as YMCA SIMCOE/MUSKOKA AND  
YMCA SIMCOE/MUSKOKA NEWCOMER SERVICES**

**Defendants**

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**SUPPLEMENTARY AFFIDAVIT OF DOCUMENTS**

I, Valentin Nikityuk, of the City of Barrie, in the County of Simcoe, the defendant in this action, MAKE OATH AND SAY:

1. This affidavit is supplementary to my Affidavit of Documents, sworn April 5, 2013, and together they disclose, to the full extent of my knowledge, information and belief, all documents relating to any matter in issue in this action that are or have been in my possession, control or power.
2. I have listed in Schedule A those documents not listed in my Affidavit of Documents, sworn April 5, 2013, that are in my possession, control or power and that I do not object to producing for inspection.
3. I have listed in Schedule B those documents that are or were in my possession, control or power and that I object to producing because I claim they are privileged, and I have stated in Schedule B the grounds for each such claim.

- 4. I have listed in Schedule C those documents that were formerly in my possession, control or power but are no longer in my possession, control or power, and I have stated in Schedule C when and how I lost possession or control of or power over them and their present location.
  
- 5. I have never had in my possession, control or power any document relating to any matter in issue in this action other than those listed in Schedules A, B and C.

**SWORN BEFORE ME** at the City )  
of Orillia, this \_\_th day of October, )  
2013 through the interpretation of )  
\_\_\_\_\_, a person )  
fluent in the Russian and English )  
languages, the said )  
\_\_\_\_\_, having )  
sworn that he had truly, distinctly )  
and audibly interpreted the )  
contents of this document to the )  
deponent, and that )  
\_\_\_\_\_ did truly )  
and faithfully interpret to the said )  
deponent the oath about to be )  
administered to them. )

\_\_\_\_\_  
**VALENTIN NIKITYUK**

\_\_\_\_\_  
Interpreter Name

\_\_\_\_\_  
Commissioner for Taking  
Affidavits

## LAWYER'S CERTIFICATE

I CERTIFY that I have explained to the deponent,

- (a) the necessity of making full disclosure of all documents relating to any matter in issue in the action; and
- (b) what kinds of documents are likely to be relevant to the allegations made in the pleadings.

\_\_\_\_\_, 2013

\_\_\_\_\_  
Erik Bornmann

Lawyer for the Defendants, Alla  
Nikityuk and Valintin Nikityuk

### Schedule A

Documents in my possession, control or power, but not in my Affidavit of Documents, sworn April 5, 2013, that I do not object to producing for inspection.

Tab	Date	Description of Document
1.	April 8, 2013	Correspondence in Russian to Sberbank of Russian Federation re: wire transfers to Svetlana Danilova.
2.	July 5, 2013	Facsimile of Sberbank of Russian Federation account statements, in Russian for the period from January 1, 2008 to June 13, 2013.
3.	July 31, 2013	<p>Correspondences between County of Simcoe Social and Community Services and Community Legal Clinic –Simcoe, Haliburton, Kawartha Lakes containing copies of:</p> <ul style="list-style-type: none"> <li>• County of Simcoe Social Housing Division Application for Subsidized Housing dated October 7, 2011</li> <li>• Tenancy Agreement dated October 21, 2011</li> <li>• Notice of Rent Increase dated July 22, 2013.</li> </ul>
4.	April 1, 2008 May 15, 2008 May 27, 2008 June 9, 2008	Records of bank wire transfers from Alla Nikityuk to Svetlana Danilova

### **Schedule B**

Documents that are or were in my possession, control or power that I object to producing on the grounds of privilege.

All confidential communications passing between the plaintiff, or an expert retained on behalf of the plaintiff, and the plaintiff's solicitors, where the communications were made in the course of the obtaining or providing of legal advice, and the solicitors were acting in a professional capacity as solicitors.

### Schedule C

Documents that were formerly in my possession, control or power but are no longer in my possession, control or power.

<b>Description of Document</b>	<b>Status</b>
<ul style="list-style-type: none"><li>• Russian Banking records for Valentin and Alla Nikityuk for the years 2008-2011</li></ul>	New copies of the documents are being requested and will be produced for inspection once in my possession, control or power.

DANILOVA et al

-and- NIKITYUK et al

Court File No. 12-0545-SR

Plaintiffs

Defendants

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Barrie

**SUPPLEMENTARY  
AFFIDAVIT OF DOCUMENTS**

**COMMUNITY LEGAL CLINIC**  
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**Tel: 705-326 6444**  
**Fax: 705-326-9757**

**Lawyers for the Defendants,**  
**Alla Nikityik and Valentin Nikityik**