

**ONTARIO COURT OF JUSTICE
(TORONTO REGION)**

B E T W E E N:

HER MAJESTY THE QUEEN

and

MAHMOUD YADEGARI

COMPENDIUM OF EMAIL COMMUNICATIONS

1. Exhibit 9 in this trial is a binder titled "Email Communications". It contains printed copies of a total of 78 email messages or, in most cases, exchanges of messages. Those messages appear in chronological order from December 1, 2008 to April 16, 2009, the date Yadegari was arrested by members of the Royal Canadian Mounted Police. The relevance of those emails is described below.

A. YADEGARI WAS AWARE OF EXPORT RESTRICTIONS

2. Various email exchanges illustrate that Yadegari was repeatedly asked about the final destination of the goods he was attempting to purchase, including pressure transducers. He was also advised about legal restrictions applicable to the export of those goods:

- a) On December 30, 2008, Vanessa Chan of Canadian Analytical & Process Technologies (“CA-PT”) wrote to Yadegari: “If you are reselling our product to another trading company, we need their information such as the company name, destination and contact person because of the sensitivity of our products.” Yadegari replied on January 5, 2009: “...would you please let me know what is this product used for and why its so sensitive because I thought these are just simple sensors since I am in trading business and we normally don’t have any idea what is the product going to be use for.” [Tab 1, page 20]¹
- b) On January 9, 2009, Bill Shurben of CA-PT wrote to Yadegari: “I am following up on your RFQ for the Baratrons. Before I can provide you a quote we need to know the final destination of the product as well as its use. Also, do you have an export licence? Please provide.” [Tab 1, page 24]
- c) On January 15, 2009, Jean-François Poncelet of Phivac Inc. wrote to Yadegari: “In order to process the order, and since you are a reseller and will export the gauges, Pfeiffer needs to know, in writing if possible in which country you will export these gauges. We will NOT contact them or bypass you. The reason is that they want to make sure it does not end up in some countries where Pfeiffer does not want to sell.” [Tab 2, page 8] The next day, Yadegari replied: “regarding to your question, its going to Denmark.” [Tab 2, page 11]

¹ All references herein are to Exhibit 9.

- d) On January 19, 2009, Yadegari told Poncelet: “by the way nobody contact me from Pfeiffer yet to get my credit info.” Poncelet replied the same day: “Pfeiffer’s accounting department wants to have a signed end-user certificate from you stating that the parts are going to Denmark. Can you please send such a document? Best would be to have this signed by your customer in Denmark.” [Tab 2, page 16]
- e) On February 11, 2009, Sally Hammond of Tyco Flow Control wrote: “Please provide the full address and company name to whom you are quoting” [Tab 3, page 28] Yadegari replied the same day: “The name of the company is “Keft Trading Co.” and their address is P.O. Box 14817, Dubai.” Hammond replied: “I am sorry we cannot quote knowing it is a trading company.” [Tab 3, page 36]
- f) Dean Bokenfohr of CE Franklin Ltd. declined to quote a price for goods destined for the South Pars field “...in the Iranian sector of the Persian Gulf, approximately 100 km south-west of the Iranian coast.” [Tab 3, page 52] On February 17, 2009, he wrote: “I’m sorry we are unable to offer a quotation in this regards as epr ther statement below. Cameron Valves and Measurement must decline to quote this request for goods destined for an embargoed country.” Yadegari replied the next day: “I have got this request from third party and I didn’t know that its for an embargoed country, thanks for letting me know.” [Tab 3, page 88]

- g) On February 19, 2009, Ali Sadeghianpour of Samson Controls Inc. wrote: “to follow our internal procedures properly, we need to know: 1 – End-user’s information (project name, number, progress, and location)” [Tab 3, page 100] Two days later, Yadegari replied: “1 – Oil field Industries prj in Iran-South pars zone – the name of prj is production test manifold.” [Tab 3, page 104] Sadeghianpour wrote back the same day: “1-A: Based on UN rules and restrictions, South-Gas pars is not in the list of restricted companies to work with.” [Tab 3, page 109]
- h) On March 4, 2009, Suzette Miller of Pfeiffer Vacuum wrote: “On 1/19/09, you sent us a fax stating that the gauges you are purchasing from us are going to be used in Denmark. Our factory has not accepted your letter, but request that you complete the attached Forms, which are required by German law.” Samples of a letter of assurance and end-use certificate were attached. [Tab 4, page 1] On March 9, 2009, Yadegari returned the completed end-use certificate by email. He also wrote: “...we had many inquiries from our client which they are going to Denmark so thats why we assumed this is also going to there but when we sent the form to them they informed us that its going to U.A.E.” [Tab 4, page 4] On March 19, 2009, after receiving the original end- use certificate, Michele Trunca of Pfeiffer Vacuum wrote: “The forms you supplied have been reviewed. Due to in-house export restrictions, deliveries to the UAE are not allowed and therefore, Pfeiffer Vacuum will be cancelling your purchase order #101031014. Initially we had thought they were being sent to Denmark so processing the order was not a problem.

With this updated information, we will not be able to process the order...”

[Tab 4, page 15] The next day, Yadegari apologized “for our misunderstanding” [Tab 4, page 17]

- i) On April 15, 2009, Phil Quesnelle of CB Automation Inc. wrote: “We need to know the company name and location before we can provide a quote. Magnetrol needs this information to ensure compliance with U.S. Government export regulations.” [Tab 5, page 66]

B. THE GOODS WERE DESTINED FOR IRAN

3. Various email exchanges illustrate that Yadegari knew that the items he was attempting to procure, including pressure transducers, were destined for Iran:

- a) On January 13, 2009, Nima Alizadeh Tabari of TSI Co. (“Tabari”) wrote to Yadegari concerning the Pfeiffer pressure transducer order. He wrote: “by the way please note that we may face trouble with sending these materials to USA, please again think about the sending the goods to Dubai or To Iran or...only think till see what will happen.” [Tab 2, page 2]
- b) As noted at paragraph 1(g) above, on February 21, 2009, Yadegari replied to Ali Sadeghianpour’s request for end-user information as follows: “1 – Oil field Industries prj in Iran-South pars zone – the name of prj is production test manifold.” [Tab 3, page 104]

- c) On April 6, 2009, Jake Lucic of Alco Valves asked: "Which country was this going to? etc." Yadegari replied: "by the way this client is in Iran." [Tab 5, pages 1-2]

C. YADEGARI ACTED AT THE DIRECTION OF TABARI

4. Various email exchanges illustrate that Yadegari's efforts to procure items, including pressure transducers, were on behalf of Tabari:

- a) On December 1, 2008, Bill Shurben of CA-PT advised Yadegari: "MKS has asked for some additional information. What is the company name and location where these products will be utilized? Also we need more details regarding their use. Please contact your customer and provide us with these details." Yadegari forwarded Shurben's inquiry to Tabari the next day: "I sent an e-mail to MKS and following is his respond, let me know what should I tell him, he wants more detailes." [Tab 1, page 2] On December 3, Yadegari advised Shurben: "Regarding your questions, I already sent an e-mail to my client and waiting for reply." [Tab 1, page 4] On December 9, Yadegari followed up: "Finaly I got the answer from the trading company which my company is dealing with in Europe, below I copy and paste part of his e-mail for you..." [Tab 1, page 8]
- b) Between January 10 and 14, 2009, Yadegari and Tabari corresponded about the Pfeiffer pressure transducers. On January 10, Tabari asked: "Please clearly tell me what Net Price Pfeiffer quote to you. we should evaluate" [Tab 2, page 3] Yadegari replied the same day: "As I told you on the phone first

- he gave me quote for item #1 \$2265 USD and Item #2 for \$2485 USD but after talking to him he gave me the following price: 1) PTR27 621 CCR 364 active capacitance transmitter , DN 16 ISO KF- 10 torr 0.2 % - 14-30 VDC supply \$2110 + Tax & Commission = \$2600 USD 2) PTR27 621 CCR 363 active capacitance transmitter , DN 16 ISO KF- 1 torr 0.2 % - 14-30 VDC supply \$2250 + Tax & Commission = \$2700 USD. delivery time would be 4-6 weeks and I already talked about volume but I will talk to him about the end user before you want to order. let me know what should I do, by the way do you want to contact Alcatel too?" [Tab 2, page 3] Tabari replied on January 13. He told Yadegari to ask about delivery condition, payment term and end user procedure. He concluded: "After receipt of the a/m info i will come back to you asap for sending money". Yadegari replied, confirming that he ordered twenty pressure transducers from Pfeiffer, ten 1 torr units and ten 10 torr units. [Tab 2, page 2] Finally, Tabari replied on January 14: "The below part nos exactly must be confirmed on their letter head to you, total value of order is 53000.00 USD the 26500.00 USD will be sent to you within coming days. Please acknowledge the order" [Tab 2, page 1]
- c) On February 11, 2009, Sally Hammond of Tyco Flow Control asked for "...the full address and company name to who you are quoting". Yadegari forwarded her message to Tabari. [Tab 3, page 33] He replied to Hammond: "The name of the company is "Keft Trading Co." and their address is P.O. Box 14817, Dubai". Hammond declined to provide a price quote "...knowing it is a trading company" [Tab 2, page 36]

d) Yadegari forwarded price quotations or technical information to Tabari repeatedly:

- i) January 31 – “Quote for Valves from Sufa Canada” [Tab 3, page 2]
- ii) February 2 – “BALL VALVES” [Tab 3, page 6];
- iii) February 2 – “answer from williams valve” [Tab 3, page 10]
- iv) February 2 – “Vacuum Gauges” [Tab 3, page 12]
- v) February 3 – “Contact Cameron Valves” [Tab 3, page 15]
- vi) February 4 – “Quotes for on/off valves” [Tab 3, page 20] and Tabari’s reply the next day [Tab 3, page 24]
- vii) February 6 – “Answer from Cameron valve” [Tab 3, page 26]
- viii) April 13 – “URGENT --- GET OFFER PLEASE -28” [Tab 5, page 20]
- ix) April 15 – “GET AGAIN QUOTE SAFF - Quote from www.checkvalves.co.uk (Goodwin)” [Tab 5, page 48]
- x) April 15 – “URGENT ---- GET OFFER PLEASE – 28 (Quote for Valves from Westlund Industrial)” [Tab 5, page 58]
- xi) April 15 - “URGENT ---- GET OFFER PLEASE – 28 (Quote for Check Valve from Williams)” [Tab 5, page 61]
- xii) April 15 - “URGENT ---- GET OFFER PLEASE – 28 (Quote for check valves from Process and Steam OIC)” [Tab 5, page 64]
- xiii) April 15 – “Request” [Tab 5, page 69]
- xiv) April 16 – “QUOTE for LEVEL TRANSMITTER (Answer Request)” [Tab 5, page 70]

e) Similarly, Yadegari received instructions from Tabari:

- i) April 8 - “Quotation from VELAN for Valve & Strainer” [Tab 5, page 11], forwarded by Yadegari to Karl Kish of Meridian Valve on April 9 [Tab 5, page 17]
- ii) April 14 - “URGENT --- GET OFFER PLEASE -28” [Tab 5, page 25]
- iii) April 14 - “GET AGAIN QUOTE SAFF” [Tab 5, page 30]

- iv) April 14 – “PLEASE GET QUOTE – LEVEL TRANSMITTER” [Tab 5, page 36]
- v) April 14 – “Pressure Regulator Valves – D013” [Tab 5, page 39]
- vi) April 16 - “URGENT ---- GET OFFER PLEASE – 28 (Quote for check valves from Process and Steam OIC)” [Tab 5, page 73]
- vii) April 16 - “QUOTE for LEVEL TRANSMITTER (Answer Request)” [Tab 5, page 76]