

McGRADY, BAUGH & WHYTE

LAWYERS

400 - 2695 Granville Street
Vancouver, British Columbia
V6H 3H4 Canada

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July 29, 2005

BY EMAIL & MAIL

David DiMaria
208 - 7360 Halifax Street
Burnaby, British Columbia
V5A 1M4

Dear David:

Re: Telus Communications Inc. ("Telus") - Voices For Change ("VFC")

Please find set out below a list of the ten Telus demands which I have rejected on your behalf and on your instructions over the course of our negotiations through July 27, 28 and 29.

- Telus sought the right to seek suspension of a particular union member from accessing site
• An undertaking that there will be no mirror site after agreement reached
• An undertaking that you will speak positively and uncritically of Telus and this agreement when speaking to media
• Sought monitoring 24 hours day
• Sought the monitoring of sites linked to Voices For Change
• Sought the deletion of all offending material back to the origins of the site; and within 24 hours
• Sought the blanket exclusion of all photographs of employees, whether working or not, without their express consent
• Sought a test of "could reasonably be construed", rather than of specific intent
• Sought the inclusion of the broadly worded "golden rule" as term of agreement; rather than "intent of intimidating or threatening" test
• Agreement would become a court order

In addition, the key factors which we discussed and which were very influential in my advice to you and your subsequent instructions to me were as follows:

- The contents Telus objected to would normally have been deleted by you. They violated your site access rules. They have not been deleted because of volume, and

LEO McGRADY Q.C.\*
O JAMES BAUGH
LUCILLE ("LEE") WHYTE
WANDA (SAM) BLACK

SARBITT S. DEEPAK
CHRISTOPHER J. POY
MARIA P. KORONOS

M. JEANNE MEYERS\*
Counsel

Labour law, civil litigation
and human rights

\* Law Corporation

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McGRADY, BAUGH & WHYTE
LAWYERS

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lack of time to spend monitoring site. You refuse to tolerate acts of racism, threats, or intimidation.

- The site did in fact contain material which would justify an injunction. Some of it was thoroughly reprehensible. These include:
o Affidavit 6379857 - posting describing an East Indian man as a terrorist, along with his name, address, photo and other personal information (paragraphs 9 and following). Also carry threat of serious assault. He has gone on stress leave and left Edmonton with his family.
o Gene McLean Affidavit - paragraphs 21 and following. Photos of persons crossing line, and describing them as scabs, weasels, scum etc. Reference to telecabs website. Also references to threats of physical harm etc. (paragraph 26)
• The site was hugely popular; 39,000 hits in one month. We assumed it was very effective as a forum for strike information; and comments critical of company during strike.
• Its very existence was at risk because of the lawsuit. There is always a risk of it being shut down by an injunction; although the risk was not assessed as very high.
• Possible delay in resolution of motion was a key factor. You placed a very high priority on getting access restored as quickly as possible. We were concerned about a delay of days, even weeks. That is a very long time when measured in context of a strike situation.

I am also enclosing a filed copy of my Appearance on your behalf and your Affidavit sworn today.

Yours truly,

McGRADY, BAUGH & WHYTE

Per:

[Signature]

LEO McGRADY Q.C.

lm:hf
encl.

cc: Morley Shortt, Q.C.

29/130 DiMaria01

No. S054180
Vancouver Registry

IN THE SUPREME COURT OF BRITISH COLUMBIA

BETWEEN:

TELUS COMMUNICATIONS INC., TELE-MOBILE COMPANY
and TM MOBILE INC.

PLAINTIFFS

AND:

TELECOMMUNICATIONS WORKERS' UNION, and its members, servants, agents and persons acting or purporting to act on its behalf; David DiMaria, and David DiMaria doing business as VOICES FOR CHANGE, John Doe, Jane Doe, and all other persons unknown to the Plaintiff intimidating, harassing or threatening employees, agents or contractors of the Plaintiffs

DEFENDANTS

APPEARANCE

Enter an appearance on behalf of the Defendant,

David DiMaria and David DiMaria doing business as
VOICES FOR CHANGE
208 - 7360 Halifax Street
Burnaby, B.C. V5A 1M4

Address for Delivery:

McGRADY, BAUGH & WHYTE
Barristers and Solicitors
#400 - 2695 Granville Street
Vancouver, B.C. V6H 3H4

Fax Number for Delivery:

(604) 734-7009

Dated: 28 July 2005

[Signature]
McGRADY, BAUGH & WHYTE
Solicitors for the Defendant



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Vancouver Registry

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DEFENDANTS

AFFIDAVIT OF DAVID DIMARIA

- 1. I, David DiMaria, am one of the Defendants in this matter and as such, have personal knowledge of the facts and matters hereinafter deposed to except where they are stated to be made on information and belief and where so stated, I believe them to be true.
2. There is no legal entity that exists that is known as David DiMaria doing business as Voices for Change. Voice for Change is my personal website. It is not endorsed by, supported in any way, nor funded by the Telecommunications Workers' Union. The website is operated only by me on an entirely independent basis.
3. Now produced and shown to me and marked as Exhibit "A" to my Affidavit is a letter dated July 28, 2005 from Fasken Martineau to my lawyer, Leo McGrady, signed by Gavin Hume on behalf of counsel for Telus Communications Inc. I signed a copy of this letter on July 28, 2005. The text of the letter represents the agreement reached between myself and Telus in connection with the lawsuit and the Notice of Motion filed on July 26, 2005.

SWORN BEFORE ME at the City of Vancouver, in the Province of British Columbia, this 29th day of July, 2005

[Signature]
A Commissioner for taking Affidavits in the Province of British Columbia

[Signature]
DAVID DIMARIA

Affidavit #1 of David DiMaria
sworn July 29, 2005
No. S054180
Vancouver Registry

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DEFENDANTS

AFFIDAVIT #1 OF DAVID DIMARIA

- McGRADY, BAUGH & WHYTE
Barristers and Solicitors
Suite 400 - 2695 Granville Street
Vancouver, B.C. V6H 3H4
Telephone: 604-734-7003
Facsimile: 604-734-7009

McGrady, Baugh & Whyte
Barristers and Solicitors
400-2695 Granville Street
Vancouver, BC V6H 3H4
Attention: Leo McGrady, Q.C.
Dear Sirs/Mesdames:
Re: TELUS Communications Inc. ("TELUS") - Voices For Change ("VFC")
Further to our discussions, we have agreed to the following terms of settlement on behalf of our respective clients:

- 1. Within 72 hours Mr. David DiMaria will have removed all content from all areas of the VFC website, including photographs, posted on or after July 1, 2005, with the intent of intimidating or threatening TELUS employees, contractors, agents or otherwise, whether or not those persons are continuing to work during the strike.
2. Links on the VFC website, the contents of which violate paragraph 1, and of which violation Mr. DiMaria is aware, shall similarly be removed.
3. For content referred to in paragraph 1, posted prior to July 1, 2005, TELUS will identify the offending content, and Mr. DiMaria will have 48 hours to remove it.
4. Mr. DiMaria will arrange to have the VFC website monitored for eight hours per day for removal of content referred to in paragraph 1, for the duration of the strike.
5. DiMaria will post the "Personal Attacks" portion of the Golden Rules prominently so that it will be seen by anyone posting content to the VFC Discussion Forums for the duration of the strike.
6. DiMaria will post the Alberta Court Order of July 27, 2005 and any similar future Orders made, prominently on the VFC website for a period of two weeks from the

We trust this is satisfactory.
Yours truly,
FASKEN MARTINEAU DuMOULIN LLP
Gavin Marshall
GAM/bam

I AGREE TO THE ABOVE-MENTIONED TERMS
DAVID DIMARIA
JULY 28, 2005

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Fasken Martineau DuMoulin LLP is a limited liability partnership under the laws of Ontario and includes law corporations.
Vancouver Calgary Toronto Montreal Quebec City New York London Johannesburg



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- date of this agreement or the issuance of any future Orders, and thereafter links will be available to those orders elsewhere on the VFC website.
7. TELUS will adjourn generally its application in relation to DiMaria and Voices for Change currently set for Friday July 29, 2005.
8. TELUS will monitor the content on the VFC website and if, after two weeks, TELUS is satisfied that DiMaria is complying with his obligations under this agreement will discontinue the action against DiMaria and Voices for Change, without costs to DiMaria.
9. TELUS will continue to monitor the VFC website throughout the strike. It will notify Mr. DiMaria of any offending content (as described in paragraph 1) it identifies, and Mr. DiMaria will have 48 hours to remove it. If there is a resumption of posting of content referred to in this agreement TELUS may resume its action against DiMaria and VFC.
10. TELUS will action restrict DiMaria on access to the Voices for Change website as soon as possible after Mr. DiMaria has agreed to these terms.