

defamatory statement that Mr. Cousens' donation to NDF was part of a broader "tax fraud scam" or "scheme."

[67] Mr. Cousens submits that he is "collateral damage" in Ms. Krause's pursuit of Mr. Bromley, about whom she has written extensively. His submission in this regard appears to be true to some extent. For instance, parts of the Letters concern issues regarding which no connection to Mr. Cousens has been shown. But that fact does not necessarily answer the questions to be determined on this application.

[68] Ms. Krause deposes that by 2018, the interest Fortius owed to Imladris was \$9.6 million and that Fortius and Imladris were subsequently involved in a circular, suspicious exchange of "gifts."

[69] In particular, CHIMP – a charity created by Mr. Bromley – made a gift of \$74.7 million to Fortius, which in turn used the money to repay debts it owed to five different Bromley-created charities, including the debt to Imladris (which became \$29 million with interest). But then all five of those charities made gifts back to CHIMP in the same or slightly greater amounts. As Ms. Krause deposes:

This appeared suspect to me, as there appears to have been a series of circular, self-cancelling transactions between the Bromley Charities. The gift from CHIMP was used to pay the debts, which were to charities that then made gifts of notes receivable to CHIMP. Thus, the ultimate beneficiary of the \$74.7 million "gift" from CHIMP is CHIMP itself. In my opinion, this means that the \$74.7 million from CHIMP to Fortius Foundation was not a true gift.

[70] While it is beyond the scope of this application to make any conclusive findings regarding whether these transactions occurred as Ms. Krause alleges, or whether the transactions had some legitimate purpose, I note that Mr. Cousens does not appear to deny the basic facts underlying Ms. Krause's allegations.

[71] Rather, Mr. Cousens accuses Ms. Krause of misunderstanding the transactions. In his submissions, he states that:

The funding model for the Sports Centre was a model on which Mr. Cousens and the related entities took extensive accounting advice. The decisions to structure the funds were based on this advice.