



*Affidavit of Johnny Woo #1  
Affirmed July 25, 2006*

NO. S064619  
VANCOUVER REGISTRY

**IN THE SUPREME COURT OF BRITISH COLUMBIA**

BETWEEN:

MATHEW HUFF, STEVEN LEE, JOHNNY WOO and  
LAURA ANDERSON

PETITIONERS

AND:

KWANTLEN UNIVERSITY COLLEGE STUDENT ASSOCIATION,  
KWANTLEN UNIVERSITY COLLEGE, DANISH BUTT,  
JATINDER (JOEY) ATWAL, JAIVIN KHATRI, HARVEY MANN,  
BIKRAM GILL, DILSHAD CHEEMA, KULVIR GILL, ANDRE  
LESUR, AJAY CHEEMA and AARON TAKHAR

RESPONDENTS

**AFFIDAVIT**

I, JOHNNY WOO, student, of [REDACTED], in the City of Burnaby, in the  
Province of British Columbia, AFFIRM AND SAY THAT:

1. I am a student at Kwantlen University College ("Kwantlen") and have been a student, and a member of the Kwantlen Student Association ("KSA"), since 2000. I have been involved in the KSA in a number of capacities since 2001 and as an elected representative since 2004.
2. I am a Petitioner in these proceedings and have personal knowledge of the facts to which I depose in this Affidavit except where I state that my information has come from some other source, in which case I believe the facts to be true.
3. I have read the Amended Petition to be filed in this proceeding (the "Member Petition"), and particularly the Facts in the Member Petition (hereinafter referred

to simply as the "Member Petition"). I will detail my knowledge and verification of the Member Petition in this affidavit. Where I depose that specific facts in the Member Petition are true, I have personal knowledge of those facts.

4. The matters in paragraphs 1, 2 and 3 of the Member Petition are true. I was one of the voting members of Council appointed by the Court Appointment, as a Richmond Campus Council Representative.

#### *Conduct of Council Meetings*

5. After the Court Appointment, Council Meetings were convened for the first couple of months at appropriate intervals, but notice as required by the Bylaws was rarely provided. However, as of July 2005, I only began to hear about meetings "through the grapevine", contrary to the practice in previous years and contrary to Article 13(3)(ii) of the Bylaws and Section II, Article 3(3)(ii) of the Regulations.
6. Contrary to the practice in previous years and Section II, Article 8(1) of the Regulations, the agenda and other materials for Council meetings were rarely, if ever, circulated in advance of Council Meetings.
7. Contrary to the practice in previous years and Article 13(3)(iii) of the Bylaws and Section II, Articles 3(3)(iv) and 8(10) of the Regulations, limited minutes of Council Meetings were taken between May 13, 2005 and February 3, 2006. Minutes were not circulated to members of Council for review within five (5) days following a meeting of Council and minutes were not posted within 15 days of Council approving such minutes. In fact, no minutes of meetings held during this period were ever presented to Council for adoption. Contrary to the practice in previous years and Article 10(2)(ix) of the Bylaws, minutes of Executive Meetings were never brought to Council for review or approval.
8. As a result of the foregoing, minutes of the Council Meetings mentioned in the Member Petition are not available and any minutes purported to have been prepared are neither official nor, in many cases, accurate.

9. I have read paragraphs 4(a), (b), (c), (e) and (f) of the Member Petition and those facts are true. With regards to paragraph 4(c) of the Member Petition, while I was not present at the June 6, 2005 Executive Meeting, I was present at the July 22, 2005 Council Meeting at which the rumours about the Executive pay increase were confirmed. I do not recall the exact amount of the purported Executive pay increase, although I do recall that the effect was to nearly double the Executive's pay.
10. With regards to paragraph 4(d) of the Member Petition, I do not recall whether or not I was at the Council Meeting on June 15, 2005. I was in attendance at the Council Meeting on June 10, 2005 at which the resolution to remove Kayce Hopwood and Kyle Sanker was defeated. In response to the purported removal of Kayce Hopwood and Kyle Sanker, I requested, at a subsequent Council Meeting, that a by-election be held in September 2005. This proposal was unilaterally rejected by Aaron Takhar. The effect of the purported removal of Kayce Hopwood and Kyle Sanker was to provide the RAF Party with a greater than 2/3 majority of the voting seats on Council.
11. With regards to paragraph 4(f) of the Member Petition, I was present at the Council Meeting on August 19, 2005 at which the RAF-dominated Council passed a motion delegating all of Council's spending authority to the Executive.
12. As a reaction to what I perceived to be an emerging pattern of abuse of power and corruption by the RAF members of the Executive and Council culminating in the concentration of all financial controls in the hands of the Executive, I began preparing an information package for students detailing the activities of the KSA since the Court Appointment. On September 28, 2005 I published and caused to be distributed and posted a 5-page document titled "Attention All Kwantlen University College Students!". Attached hereto and marked as Exhibit "A" to my affidavit is a copy of that 5-page document.

*September 29, 2005 Special General Meeting*

13. I have read paragraph 5 of the Member Petition and those facts are true. I was present at the August 19, 2005 Council Meeting at which a motion was passed to convene the September SGM on September 29, 2005 for the purpose of amending the Bylaws. At no time during that Council Meeting or at any time prior to the September SGM was any mention made of a motion to expel members from the KSA. No Council Meetings were convened between August 19, 2005 and the September SGM.
14. I have read paragraph 6(b) of the Member Petition and those facts are true. I specifically checked the KSA website in the weeks leading up to the September SGM and the website appeared to be out of service. I read every issue of the *Kwantlen Chronicle* that is published and I can confirm that I saw no advertisement published in the *Kwantlen Chronicle* regarding the September SGM between August 19 and September 29, 2005.
15. With regards to paragraphs 6(a) and (c) of the Member Petition, I was only present on the Richmond Campus between August 19 and September 29, 2005 and so can only confirm those facts with regards to Richmond Campus. To the best of my knowledge, no posters or other promotional materials regarding the September SGM were sent to the Richmond Campus office of the KSA for posting. In the first week of September 2005, I specifically asked Aaron Takhar and Kulvir Gill, a RAF member working on the Richmond Campus, what they needed me to do to publicize the September SGM. I was told that I did not need to do anything.
16. During the weeks leading up to the September SGM, I saw a total of four (4) small posters posted on bulletin boards on Richmond Campus, which noted the proposed amendment of the Bylaws in very small print (which I see now, but which I did not notice at the time that I saw the posters on the bulletin boards) and made no mention of the proposed expulsions. Attached hereto and marked as Exhibit "B" to my affidavit is a copy of the poster that I saw. These few posters

were quickly overtaken by the mass of postings for, for example, books for sale, that are typical of the first few weeks of a school term.

17. I have read paragraphs 7(b) to (k) of the Member Petition and those facts are true. I have no direct knowledge of the facts in paragraphs 7(a)(ii) and (iii) of the Member Petition. With regards to paragraph 7(a)(i) of the Member Petition, I have no direct knowledge of the facts in that paragraph other than the fact that Council approval was never sought for the disbursement of the funds for the purchase of prizes for the September SGM. As a result, I have no direct knowledge of the exact amount spent on the prizes as referred to in paragraph 7(a) of the Member Petition.
18. Before walking in to the room in which the September SGM was held on September 29, 2005, I was asked to sign in for the September SGM. I was not asked for identification or proof that I was a student. Once in the room, I noted that the entrances and exits to the room were not controlled and that people were walking in and out at their leisure. Both outside the room in which the September SGM was held and inside the room I noticed RAF members with sign-in sheets trying to get people to sign in to the September SGM. It is not known what procedures were in place to assure that those present did not sign in more than once.
19. After signing in, I specifically asked for a copy of the agenda and I was told by the people at the door that they had run out. I then asked Aaron Takhar for a copy of the agenda and I was told to "find one [my]self". I eventually found a copy of "Bill RAF2K5" belonging to another member and reviewed it. It was only then that I became aware of the proposed expulsion resolution.
20. With regards to paragraph 7(b) of the Member Petition, at the time of the alleged vote detailed in paragraphs 7(g) and (h) of the Member Petition, I was sitting near the rear of the room in which the September SGM was held. My understanding of the question that was put to the members at that time by the Chair of the September SGM, Chairperson of the Executive and *de facto* head of the RAF

Party Aaron Takhar, was whether the assembly wanted to move on to prizes rather than discuss the amended Bylaws. At the time of the alleged vote, the quorum required by Article 3(10) of the Bylaws of 250 members was not present, and I would estimate that no more than 200 people were present. I saw approximately 20 people raise their hands in response to the Chair's question. It did not look to me as if a 50% majority of the people in the room raised their hands, let alone the 75% required to pass a special resolution. At the end of the September SGM, I was under the impression that there had been no vote on the proposed changes to the Bylaws. At no time during the September SGM did I hear any mention of the proposed expulsion resolution, or any mention of expelling members from the KSA at all.

21. I have no direct knowledge of the facts alleged in paragraph 7(k) of the Member Petition.
22. I have read paragraph 8 of the Member Petition and those facts are true.

*Events Subsequent to the September SGM*

23. I was present at the October 14, 2005 meeting of Council. At that meeting, Aaron Takhar was confronted with information that he had sent an email to RAF party members offering a television set as a prize for bringing the most people to the September SGM. Mr. Takhar flatly denied this allegation until confronted by a RAF member, Surrey Campus Officer Harjit Basra, who printed off a copy of the email and presented it to Council.
24. Another RAF member indicated that the person who had won the grand prize at the September SGM was an old friend of Aaron Takhar's and that it was planned in advance that he would win the prize. I then demanded that Council be provided with the name of the person who had won the grand prize. Mr. Takhar refused to provide the name on the basis that the winner had decided not to accept the prize. When I asked Mr. Takhar why the winner had declined the prize, he said that he did not know.

25. I have read paragraphs 9 and 10 of the Member Petition and those facts are true. I was present at the October 28, 2005 Council Meeting. A motion to accept the October 28, 2005 Ombudsperson Report finding the September SGM to be a nullity was defeated by the RAF-dominated Council. Council Members Laura Anderson and Steven Lee were prevented from voting on the motion by virtue of their purported expulsion.
26. I have read paragraph 11 of the Member Petition and those facts are true. I was present at the November 18, 2005 meeting of Council when the motion was passed purporting to remove Mariana Nakhla and Manny Dhaliwal from Council. In support of the motion, Aaron Takhar alleged only that Ms. Nakhla and Mr. Dhaliwal “didn’t do any work” and “other people would do a better job”. Director of Operations and (then) RAF member Mat Huff alleged that Ms. Nakhla and Mr. Dhaliwal were being targeted because they had spoken out against Mr. Takhar’s alleged theft of \$10,000.00 spent on the prizes for the September SGM.
27. Prior to the removal resolution being tabled on November 18, 2005, Council passed a motion declaring that Ms. Nakhla and Mr. Dhaliwal were in a conflict of interest with regards to the removal resolution and would not be allowed to vote. The Chair held that the motion was not in order, but was overruled by the RAF-dominated Council. The KSA Ombudsperson was also present and advised that the motion to prevent Ms. Nakhla and Mr. Dhaliwal from voting violated the Bylaws. His advice was ignored.
28. Also at the November 18, 2005 Council Meeting, the petition for the November SGM was discussed. A motion was passed directing the Operations Supervisor to cancel the room reservation made for the students who wanted to convene the November SGM on November 29, 2005.
29. I have read paragraph 12 of the Member Petition. I was present at the Council Meeting on December 2, 2005 at which the RAF-dominated Council purported to remove Mat Huff from office. I have no direct knowledge of the substance of any

conversations between Mr. Huff and Mr. Takhar as referred to in paragraph 12 of the Member Petition.

*January 2006 General Election and Referendum*

30. I have read paragraph 13 of the Member Petition and my knowledge of those facts is as follows. At the October 14, 2005 Council Meeting, Aaron Takhar announced that a Chief Returning Officer (CRO) had been appointed. I expected that, pursuant to Section X, Article 1(1) and (2) of the Regulations, Council would formally appoint the CRO, and I expected that the CRO would come in to meet with Council and discuss his credentials. This never occurred.
31. I have read paragraph 14 of the Member Petition. I was present at the November 18, 2005 Council Meeting and the KSA Regulations as they pertain to elections were amended at that Council Meeting. I do not recall whether I was present at the January 6, 2006 Council Meeting, so I have no direct recollection of the facts in paragraph 14 that refer to that Council Meeting.
32. With regards to paragraph 15 of the Member Petition, at no time before December 31, 2005 was the Elections Committee appointed by Council.
33. I have no direct knowledge of the facts in paragraphs 16 and 17 of the Member Petition.
34. I have read paragraphs 18(a), (c), (e), (h), (i), (j), (k), (l) and (m) of the Member Petition and those facts are true. I have no direct knowledge of the facts in paragraph 18(b) of the Member Petition. In addition to those facts, I am not aware of any motion being passed at any Council Meeting authorizing a referendum for January 2006 as required by Article 4(3)(a) of the Bylaws.
35. With regards to paragraphs 18(d) and (f) of the Member Petition, I was present only on the Richmond Campus during the relevant time and can confirm that the facts in those paragraphs only to the extent that such facts refer to the Richmond Campus, as follows:

- a. I saw no posters on the Richmond Campus prior to the opening of nominations on January 9, 2006;
  - b. I was alarmed by the lack of posters regarding the General Election, and specifically addressed my concerns to Acting Richmond Campus Director and RAF member Kulvir Gill (who had been unilaterally appointed by Aaron Takhar to replace Steven Lee following Mr. Lee's purported expulsion from membership in the KSA). I was advised not to worry about it and that "Surrey [where the head office of the KSA is located] would take care of it";
  - c. Between January 9 and 19, 2006 I saw approximately ten (10) posters, in very small print, advertising the General Election. Attached hereto and marked as Exhibit "C" to my affidavit is a copy of the poster that I saw. Of these, six (6) were posted on bulletin boards around campus and approximately four (4) were posted together on a single bulletin board inside the KSA Lounge. These posters were not posted prominently and were quickly overtaken by the mass of postings for, for example, books for sale, that are typical of the first few weeks of a school term.
  - d. I specifically checked the website in the first and second weeks of January and saw nothing about the KSA General Elections and referendum.
36. With regards to paragraph 18(g) of the Member Petition, I was present only on the Richmond Campus during the relevant time and can confirm that the facts in those paragraphs only to the extent that such facts refer to the Richmond Campus. At no time prior to the referendum did I see any posters advertising the referendum.
37. I was a candidate in the January 2006 KSA General Election. The nomination period was from January 9 to 13, 2006, which was the first week of the winter school term, and polling occurred in the second week of the term, on January 18

and 19, 2006. Campaigning was permitted from January 16, 2006 through to the close of polls on January 19, 2006.

38. With regards to paragraph 18(k) of the Member Petition, I was not aware until I saw the ballot while voting on the afternoon of January 18, 2006 that students from other campuses would be permitted to vote for candidates for Richmond Campus Director, the position for which I was a candidate.
39. I was present on the Richmond Campus during polling and a firsthand witness to all of the events detailed in paragraph 18(l) of the Member Petition.
40. With regards to paragraph 18(l)(i) of the Member Petition, contrary to years past and Article 8(4) of the Bylaws, students were not provided with a private space in which to cast their vote and were permitted to walk away from the voting booth with their ballots and consult with candidates or others as to how they should vote. Attached hereto and marked as Exhibit "D" to my affidavit is a photograph that I took of the area around the polling station on the Richmond Campus on January 18, 2006. This photograph shows that there was no private area for voters to complete their ballots (the large pink sheets) and that voters were free to walk away from the polling station with their ballots. In the photograph, the voter on the extreme right wearing the hooded sweatshirt is shown approximately 10 metres from the polling station and he is having the gentleman in the gray cap complete his ballot. After this photograph was taken, I saw the gentleman in the hooded sweatshirt retrieve his ballot from the gentleman in the gray cap and return to the polling station to put it in the ballot box.
41. With regards to paragraph 18(l)(iii) of the Member Petition, it is my understanding that in years past ballot boxes were locked up in the office of Campus Security at the end of each polling day. By contrast, in the January 2006 General Election, unsupervised poll clerks were observed driving the ballot boxes to an unknown off-campus location.

