

COURT FILE NUMBER 2001-11303

COURT COURT OF KING’S BENCH OF ALBERTA

JUDICIAL CENTRE Calgary

PLAINTIFFS DAVE VASS CONSULTING INC.,
DAVID VASS, PROSPERITY
FREEDOM NETWORK LTD. and
DAVID VASS FAMILY TRUST

DEFENDANTS TRUFLA TECHNOLOGY LTD. and
GEMSTAR HOLDINGS LTD.



DOCUMENT **APPLICATION**

PARTIES FILING THIS DOCUMENT DAVE VASS CONSULTING INC., DAVID VASS, PROSPERITY FREEDOM NETWORK LTD. and DAVID VASS FAMILY TRUST

ADDRESS FOR SERVICE AND CONTACT INFORMATION OF PARTY FILING THIS DOCUMENT **WILSON LAYCRAFT**
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File Nos.: 4213-001

NOTICE TO RESPONDENTS: TRUFLA TECHNOLOGY LTD. and GEMSTAR HOLDINGS LTD.

This application is made against you. You are a respondent. You have the right to state your side of this matter before the presiding Judge. To do so, you must be in Court when the application is heard as shown below:

Date: February 24, 2026
Time: 10:00 a.m.
Where: Calgary Courts Centre, 601 – 5th Street
 SW, Calgary, AB T2P 5P7
Before Whom: Applications Judge in Chambers

Go to the end of this document to see what else you can do and when you must do it.

Remedy claimed or sought:

1. An Order directing the Defendants to produce further and better Affidavit of Records within 4 weeks, or by such other deadline as the Court may deem appropriate.
2. Costs of the application if opposed.

Grounds for making this application:

3. On 5 September 2025 the Defendants filed an application for summary dismissal.
4. In support of that application, Sherif Gemayal affirmed an affidavit on 29 September 2025. At paragraphs 26-29 of Mr. Gemayal's affidavit he references a "Lockton Agreement" having been entered into as between the Trufla and Lockton Insurance.
5. The Lockton Agreement has not been produced in the Affidavit of Records of either of the Defendants. The negotiations leading up to the Lockton Agreement being entered into included terms for the use of the IP for Clickhook/truLeads.
6. The ownership of Clickhook/truLeads is a key issue in this Action. The terms of the Lockton Agreement and the negotiations and discussions surrounding it are relevant to the Action.
7. Mr. Gemayal's affidavit states that the Lockton Agreement was later replaced by the "Lockton & Trufla Migration Agreement.," which corresponded with Trufla allegedly transitioning away from Clickhook/truLeads to a new software program. The negotiations and discussions surrounding the creation and transition to this agreement are relevant to the issues plead in the Action.
8. The Plaintiffs are seeking an Order directing the Defendants to produce further and better Affidavits of Records which include the following records:
 - a. All communications between Trufla representatives and Lockton representatives from 2019 and 2020.
 - b. All communication between counsel for Trufla and counsel for Lockton from 2019 and 2020 concerning the negotiations of the Lockton Agreement and the Lockton & Trufla Migration Agreement.
 - c. Copies of all draft agreements that were circulated as between Trufla and Lockton.
 - d. Specifically, any memorandum, correspondence or other documentation that speaks to the terms of what is defined as the Lockton Agreement in Sherif's affidavit.
 - e. Copies of any internal email correspondence among Sherif, Bruce and other Trufla employees concerning the ownership of Clickhook/truLeads for the period of 2015 – 2020.
 - f. All source materials and related records concerning the replacement software program that Trufla transitioned to as referenced in the Lockton & Trufla Migration Agreement.

- g. Copies of communication between Trufla representatives and Rogers Insurance representatives concerning Clickhook.

Material or evidence to be relied on:

- 9. Affidavit of Dave Vass, sworn and filed herewith.
- 10. Affidavit of Dave Vass, filed 31 January 2022.
- 11. Affidavit of Sherif Gemayel, filed 3 October 2025.
- 12. Pleadings in this Action.
- 13. Such further and other material as counsel may advise.

Applicable rules:

- 14. Rules 1.3, 5.5 - 5.11 and Part 5 of the *Alberta Rules of Court*.

Applicable Acts and regulations:

- 15. None.

Any irregularity complained of or objection relied on:

- 16. None.

How the application is proposed to be heard or considered:

- 17. In person.

WARNING

If you do not come to Court either in person or by your lawyer, the Court may give the applicants what they want in your absence. You will be bound by any order that the Court makes. If you want to take part in this application, you or your lawyer must attend in Court on the date and at the time shown at the beginning of the form. If you intend to give evidence in response to the application, you must reply by filing an affidavit or other evidence with the Court and serving a copy of that affidavit or other evidence on the applicants a reasonable time before the application is to be heard or considered.