

HIGHLIGHTS

- Legal Counsel to a coalition of twenty-seven civil and human rights groups which made submissions to the Canadian government on its recently implemented “no-fly” list known as the Passenger Protect Program.
- Legal Counsel to a coalition of civil and human rights groups which made submissions to Parliamentary Committees on Canada’s *Anti-Terrorism Act* prior to its enactment and during its review.
- Legal Counsel to two interveners at the Commission of Inquiry into the Investigation of the Bombing of Air India Flight 182 and the Iacobucci Inquiry looking into issues of national security.
- Legal Counsel to a number of the leading finance companies offering Islamic financial products and services in Canada. Several of the major financial institutions and law firms have started to explore the Islamic finance market.
- Consulted by the Ontario Attorney General’s office on changes to Hate Crimes laws, faith-based arbitration (*Family Statute Law Amendment Act, 2005*) and the *Human Rights Code Amendment Act, 2006*.
- Served as International Trial Observer at military trials of political prisoners in June 2007 in Cairo, Egypt at the invitation of human rights groups, the Egyptian Lawyers Syndicate and members of the Egyptian Parliament, the Peoples’ Assembly.
- Have written and spoken extensively on anti-terror laws, national security, civil rights, human rights, intelligence/law enforcement accountability and oversight as well as state/community relations and interaction.

EDUCATION

Doctor of Philosophy (Ph.D.) (candidate), 2006 – , Osgoode Hall Law School, York University. Dissertation: *Between Normalcy and Exception: A Comparative and Critical Analysis of Emergencies in Western and Non-Western Legal Traditions*. Supervisor: Trevor C. W. Farrow (Assistant Professor, Osgoode Hall Law School, York University). Committee Members: Craig M. Scott (Professor, Osgoode Hall Law School, York University; Director of the Jack and Mae Nathanson Centre on Transnational Human Rights, Crime and Security); Obiora Chinedu Okafor (Assistant Professor, Osgoode Hall Law School, York University).

FAISAL KUTTY, LL.B., LL.M., PH.D. (CAND.)

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Master of Laws (LL.M.), 2006, Osgoode Hall Law School, York University. Specialization: Civil Litigation and Alternative Dispute Resolution: Major Research Project: *The Shari'a Factor in International Commercial Arbitration* (published in (2006), 28 *Loy. L.A. Int. & Comp. L. Rev.*). Supervisor: Charles Gastle (Adjunct Professor, Osgoode Hall Law School, York University; Visiting Professor at Aix Marseille University in France; Director of the LL.M. program in international trade and competition law at Osgoode Hall Law School; Associate, Estey Centre for Law and Economics in International Trade).

Bar Admissions Courses, 1995, Law Society of Upper Canada, Toronto, Ontario.

Bachelor of Laws (LL.B., cum laude), 1994, Faculty of Law, University of Ottawa. Major Research Project: *A Comparative Analysis of Human Rights in International Law and Islamic Law.* Supervisor: Donald McRae (Professor, Faculty of Law, University of Ottawa; Member, International Law Commission; Hyman Soloway Chair in Business and Trade Law; former Dean of the Faculty of Law).

Bachelor of Arts (B.A., Incomplete), 1988 - , York University, Economics, Faculty of Arts. Admitted to law school prior to completion of degree.

TEACHING EXPERIENCE

2009	Visiting Professor	Valparaiso University School of Law Valparaiso University Valparaiso, Indiana
2009	Adjunct Professor	Comparative Law: Islamic Law Osgoode Hall Law School, York University Toronto, Ontario
2008 – 2009	Co-Instructor	Ethical Lawyering in a Global Community Osgoode Hall Law School, York University Toronto, Ontario
May 6, 2008	Guest Lecturer	“Islamic Law: Sources and Methodology” Osgoode Hall Law School, Toronto, Ontario
Feb. 20, 2007	Guest Lecturer	“National Security and Discretion in the Justice System” University of Windsor Law School, Windsor
May 20, 2007	Guest Lecturer	“Islamic Law: Sources and Methodology” Osgoode Hall Law School, Toronto, Ontario

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2006 - 2007	Instructor	Skills and Professional Responsibility Law Society of Upper Canada, Toronto, Ontario
Feb. 14, 2006	Guest Lecturer	“National Security and Discretion in the Justice System” University of Windsor Law School, Windsor, Ontario
May 20, 2006	Guest Lecturer	“Islamic Law: Sources and Methodology” Osgoode Hall Law School, Toronto, Ontario
2001 - 2006	Instructor	Corporate/Commercial Law, Bar Admissions Program, Law Society of Upper Canada Toronto, Ontario
April 5, 2005	Guest Lecturer	National Security and Privacy Faculty of Information Studies, University of Toronto, Toronto, Ontario
1997 - 1998	Instructor	Legal Research and Writing, Osgoode Hall Law School Toronto, Ontario
1996 - 1997	Instructor	Law Diploma Course, Richmond School of Commerce Toronto, Ontario

PROFESSIONAL EXPERIENCE

Senior Partner, 2002 -, **Kutty, Syed & Mohamed**, Barristers and Solicitors, Toronto, Ontario. Practice areas cover a broad range including human rights, national security, non-profit/charity law, business law, Islamic finance, and alternative dispute resolution.

Consultant, 2006 - 2007, **Little Mosque on the Prairie**, Canadian Broadcasting Corporation (CBC). Script consultant on Islamic law, culture and practice for one of the highest rated sitcoms in Canada.

Principal Lawyer, 1996 -, **Kutty & Associates**, Barristers and Solicitors, Toronto, Ontario. General practice including business, litigation and real estate.

Articling, 1994-1995, **Goodman & Carr**, Barristers and Solicitors, Toronto, Ontario.

Researcher, 1993-1994, **University of Ottawa/Certified General Accountants Tax Law Centre**, Ottawa, Ontario.

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VOLUNTEER POSITIONS

2008-	Member	New Member Committee The Legal Writing Institute Macon, Georgia
2008-	Member	Tenure & Promotions Adjudication Committee Osgoode Hall Law School of York University Toronto, Ontario
2001-	Board Member Vice Chair & Counsel	Canadian Council on American-Islamic Relations Ottawa, Ontario
1994-	Board Member & Counsel	Canadian Muslim Civil Liberties Association Toronto, Ontario
1998-	Board Member	Social Services Association of North America Winnipeg, Manitoba
1996 –05	Board Member	Human Concern International Ottawa, Ontario
1996-99	Board Member	Bosnian-Canadian Relief Association Toronto, Ontario
1996-97	Legal Advisor	Ontario Government Small Business Center Toronto, Ontario
1993-94	Book Reviews Editor & Articles Editor	<i>Ottawa Law Review</i> Ottawa, Ontario

PROFESSIONAL AFFILIATIONS & MEMBERSHIPS

Of the Bar of Ontario, Law Society of Upper Canada, 1996 –

Member, Canadian Bar Association, 2002 -

Member, Canadian Council on International Law, 2002 -

Member, Canadian Association of Journalists, 2002 –

Member, Legal Writing Institute, 2008 –

SELECTED AWARDS AND SCHOLARSHIPS

- 2008 Appreciation Award
 Children of Hope
- 2008 Fellow, Islamic and International Law: Searching for Common Ground
 Salzburg Global Seminar, Salzburg, Austria
- 2007 Maher Arar and Monia Mazig Award in Civil and Human Rights,
 Maher Arar and Monia Mazig/Canadian Muslim Network
- 2004 Professional Excellence Award,
 American Federation of Muslims from India (AFMI)
- 2003 Community Service Award,
 Toronto Community Resources Consultants (TCRC)
- 1990 Dean's Honour Roll,
 York University, Toronto, Ontario
- 1988 Merit Award,
 York University, Toronto, Ontario
- 1988 Ontario Scholar Award,
 Ontario Ministry of Education, Toronto, Ontario

PUBLICATIONS

ACADEMIC

Working Papers:

“Presumption of Guilt and Guilt by Association in Canada’s War on Terror: A State of Exception?” in *Islam in the Hinterlands: A Canadian Muslim Studies Anthology* (collection to be edited by Professor Jasmine Zine from Wilfred Laurier University and to be published by the University of British Columbia Press in early 2009).

“The Reliability of Demeanour Evidence in Assessing Credibility Across Cultures.”
The article expands upon a paper written for my LL.M. course work done under the supervision of The Honourable Mr. Justice Paul M. Perell of the Ontario Court of Justice.

“Contingency Fees and Access to Justice: Panacea or Placebo?” The article expands upon a paper written as part of my LL.M. course work done under the supervision of The Honourable Mr. Justice Paul M. Perell of the Ontario Court of Justice.

“Islamic Finance in Canada: Current Status, Regulatory Hurdles and Future Prospects.” This article surveys the Canadian Islamic Finance landscape and then proceeds to analyze the existing regulatory hurdles and complications both from a legal as well as an Islamic perspective.

“The Faith-Based Arbitration Debate in Ontario: Gender, Religion, the Limits of Accommodation and a Lost (or Delayed) Opportunity for the Evolution and Indigenization of Islam.” The article argues that Ontario lost a timely opportunity to work out how to balance competing rights and interests in a manner that respects all parties and protects the vulnerable. The article will also argue that Ontario also lost an opportunity to indigenise or Canadianize Islamic law and to see how Islamic law and liberal democracy can co-exist within a liberal constitutional framework and thereby help in the integration process of its Muslim citizens.

Published:

1) Review of “Islam, Secularism and Liberal Democracy: Toward a New Democratic Theory for the Muslim Societies” by Nader Hashemi, 2009, Oxford University Press, Oxford, in *The Globe and Mail*, July 9, 2009.

2) Review of “The Constitution of Law: Legality in a Time of Emergency” by David Dyzenhaus, 2006, Cambridge University Press, Cambridge, in (2008) 24 *Windsor Rev. Legal Soc. Issues* 73.

3) “Non-Western Societies Have Influenced Human Rights” in Jacqueline Langwith, ed., *Opposing Viewpoints: Human Rights* (Gale/Greenhaven Press: Chicago, 2007) 41.

4) “The Shari’a Factor in International Commercial Arbitration” (2006), 28 *Loy. L.A. Int. & Comp. L. Rev.* 565.

5) Review of “Farce Majeure: The Clinton Administration’s Sudan Policy 1993-2000” by David Hoile, (2001) *American Journal of Islamic Social Sciences*, Volume 19, Number 2.

6) Review of “American Islam: Growing up Muslim in America” by Richard Wormser, 1994, Walker & Company, New York, (1997) *Musl. World Bk. Rev.*, Vol. 17, No. 3, 39.

7) “Indian Muslims: Rebuilding a Community” (1997) *Journal Institute of Muslim Minority Affairs*, Vol. 17, No. 1, 107.

8) Review of “The Politics of Islamic Resurgence: Through Western Eyes” by Ahmad AbulJobain and Ahmad Bin Yousef, 1992, UASR. Inc., (1993) *Islamic Studies* 222.

9) Review of “Human Rights in Crisis: The International System for Protecting Rights During States of Emergency” by Joan M. Fitzpatrick, 1994, University of Pennsylvania Press (1994) *Ottawa L. R.* 253.

NON-ACADEMIC (A representative sample selected from over 200 articles)

The publications in which my articles on a broad range of topics have appeared include (figure in bracket signify the number of articles): *The National Post* (8), *Hamilton Spectator* (8), *Toronto Star* (7), *Ottawa Citizen* (4), *Montreal Gazette* (3), *London Free Press* (2), *The Globe and Mail* (2), *Windsor Star*, *Catholic New Times* (5), *Buffalo News*, *Al-Ahram* (Egypt - 2), *Arab News* (Saudi Arabia - 4), *Indian Express* (India - 7), *CA Magazine*, *Law Times* (2), *Lawyers Weekly* (7), and *Catholic Register*.

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- 1) "Veils and Justice," *The Toronto Star*, February 4, 2009.
- 2) "No Fly Lists Provide a False Sense of Security," *The Toronto Star*, May 15, 2007.
- 3) "No-fly lists are an ineffective way to fight terrorism," *The Lawyers Weekly*, April 2007.
- 4) "Apologizing to Maher Arar: A Beginning, Not an End," *Jurist Legal News & Research*, February 2, 2007.
- 5) "Arar not the only one seeking answers," *The Toronto Star*, September 18, 2006.
- 6) "Good intentions not good enough: proposed changes weaken the enforcement powers of the Human Rights Commission," *The Toronto Star*, June 26, 2006.
- 7) "Federal Court of Appeal to rule whether U.S. Deserters are Refugees," *The Lawyers Weekly*, May 15, 2006.
- 8) "Faith-based arbitrations in Ontario: A lost opportunity," *The Lawyers Weekly*, March 20, 2006.
- 9) "Free Speech or Hate Speech?" *The Lawyers Weekly*, February 22, 2006.
- 10) "Boyd's recommendations balance needs of religious communities with rights of vulnerable," *Lawyers Weekly*, January 21, 2005.
- 11) "Sharia Courts in Canada: Myth and Reality," *Law Times*, May 2004.
- 12) "Globalizing the Harassment of Muslims – The Dirty Work of Canadian Intelligence," *Counterpunch*, May 2004.
- 13) "Government's out to lunch on legal aid system," *Hamilton Spectator*, August 8, 2002.
- 14) "UN's Human Rights Document Has Not Lived up to its Name," *Hamilton Spectator*, December 13, 2000.
- 15) "Too Many Mouths to Feed?" *Al-Ahram* (Egypt), October 20, 1999.
- 16) "War Criminals Belong Behind Bars, Not at the Peace Table," *Catholic New Times*, June 6, 1999.
- 17) "City's human rights task force lacks bite: Draft report off mark," *The National Post*, March 29, 1999.
- 18) "When Fear Becomes the Aftermath of Free Speech, then the Right is Lost," *The National Post*, January 12, 1999.
- 19) "Independent Investigation Needed in Just Desserts Case: Race Card Played," *The National Post*, Nov. 21, 1998.
- 20) "Hollywood's View of Arabs, Muslims," *The Toronto Star*, September 21, 1998.
- 21) "Sanctions are Killing the Children of Iraq," *The Toronto Star*, May 19, 1998.
- 22) "Islamic Law Meets Western Finance," *CA Magazine*, September 1995.
- 23) "Islamic Finance and Canadian Law," *Law Times*, July 1995.

24) "Employment Equity Law Crucial for Inclusiveness," *The Ottawa Citizen*, June 15, 1995.

INVITED PRESENTATIONS & LECTURES

(Law Related Since 2002)

1) "The Basics of Islamic Finance"

Muslim Law Students' Association, Diversity Albany, Amnesty, Business Law Society
Albany Law School
Albany, NY, March 26, 2009

2) "Islam, Democracy and the Right to Self-Determination"

Muslim Law Students' Association, Diversity Albany, Amnesty, Business Law Society
Albany Law School
Albany, NY, March 25, 2009

3) "Finding a Balance: Perspectives on National Security Laws and Civil Rights"

Faculty of Law, Legal Activists Collective & the Alberta Public Interest Research Group
University of Alberta Law School
Edmonton, AB, Jan. 20, 2009

4) "The Myth and Reality of Shariah Courts in Canada: Multiculturalism, Legal Pluralism,
Gender, the Limits of Accommodation and Delayed Opportunity to Indigenize Islamic Law"

University of Alberta
Edmonton, AB, Jan. 20, 2009

5) "National Security and Human Rights"

Presumption of Innocence Project
University of Toronto Ministry of Social Justice
University of Toronto -- Mississauga
Mississauga, ON, Nov. 25, 2008

6) "National Security and Human Rights"

Bridging the Gap Conference sponsored by the Attorney General of Ontario
Multicultural Inter-Agency Group of Peel
Toronto, ON, Aug. 27, 2008

7) "National Security and Human Rights"

2008 Annual Policy Conference
Canadian Association of Statutory Human Rights Agencies
Niagara-on-the-Lake, ON, Jun. 15 to Jun. 17, 2008

8) "Religious and Secular Extremism: Clash of Fundamentalisms"

International Center, Islamic Society of North America 34th Annual Convention
Toronto, ON, May. 24, 2008

9) "Marginalization and Radicalism: How Did We Get To This Point?"

University of Alberta International Center, International Week
Edmonton, AB, Jan. 30, 2008

10) "Common Law and Islamic Law: Similarities and Differences"

University of Alberta
Edmonton, AB, Jan. 29, 2008

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- 11) "Common Law and Islamic Law: Similarities and Differences"
University of Saskatchewan
Edmonton, SK, Jan. 25, 2008
- 12) "Through the Looking Glass: An Examination of Racial Profiling in Canada"
Canadian Centre for Policy Alternatives, Toronto, ON, Oct. 16, 2007
- 13) "Canada's No-Fly List a Legal Critique"
Canadian Arab Federation Policy Conference
City Hall, Toronto, ON, Jun. 16, 2007
- 14) "Multiculturalism and Canada"
Osgoode Hall Law School of York University, Toronto, ON, May 20, 2007
- 15) "After Arar: A Workshop Series on Security Intelligence and Human Rights – Community-State Relations and Canadian Intelligence Activity"
Panel Discussion with Inspector Wayne Hanniman (Royal Canadian Mounted Police Community), May Farrales (B.C. Committee for Human Rights) and Chaired by Professor Craig Scott (Osgoode Hall), Osgoode Hall Law School, York University, Toronto, ON, Feb. 21, 2007
- 16) "National Security and Discretion in the Justice System"
Panel with Chief Justice Allan Lutfy (Federal Court of Canada) and Jasminka Kalajdzic
University of Windsor Law School, Windsor, ON, Feb. 20, 2007
- 17) "Law and Your Faith"
University of Toronto Law School, Toronto, ON, Nov. 1, 2006
- 18) "Social Harmony: Prosperity in a Competitive World"
Symposium: Investing in Canada: Its People; Its Government; Its Public Service - Panel Discussion with the Hon. Donald H. Oliver, Q.C. and Wendy Grant-John
Association of Professional Executives of the Public Service of Canada (www.apex.gc.ca)
National Arts Center, Ottawa, ON, May 30-31, 2006
- 19) "*Shari'a*: Sources and Methodology"
Guest Lecture, Part Time LL.M. Program, Osgoode Hall Law School, Toronto, ON, May 6, 2005
- 20) "The Prophet Mohammed Cartoons - Political Provocation or Freedom of Speech? "
Osgoode Hall Law School, Toronto, ON, March 22, 2006
- 21) "An Overview of Discretion and Its Implications for Access to Justice"
Panel Discussion with Chief Justice Allan Lutfy (Federal Court of Canada)
University of Windsor Law School, Windsor, ON, Feb. 14, 2006
- 22) "*Shari'a* Law: Myths and Facts"
New Democratic Party of Manitoba, Winnipeg, Man., Jan. 21, 2005
- 23) "National Security and the Canadian Mosaic"
University of Regina, Regina, Sask., Nov. 28, 2005
- 24) "The Policing of Migration and Immigration: National and International Perspectives"
The Tenth International Metropolis Conference, Toronto, ON, Oct. 19, 2005
- 25) "Perspectives on the London Bombings"
Panel Discussion with Prof. Margaret MacMillan (UofT), Prof. Ebrahim Moosa (Duke Univ.) and Jonathan Kay (*National Post*), Noor Cultural Center, Toronto, ON, Aug. 5, 2005

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- 26) "The Viability of *Shari'a*-based Arbitration"
Canadian Arab Federation 2005 Annual Conference, Toronto, ON, June 18, 2005
- 27) "Legal Remedies for Hate and Discrimination"
Conference Against Hate and Racial Discrimination, St. Paul's Univ., Ottawa, ON, May 7, 2005
- 28) "Is there Room for Women's Equality Rights in Religious Arbitration?"
Canadian Council of Muslim Women, Status of Women Canada, Rights and Democracy, Canadian Women's Foundation, and Change Canada Foundation, Toronto, ON, April 9, 2005
- 29) "National Security and Civil Liberties: Are they incompatible?"
Faculty of Information Studies, University of Toronto, Toronto, ON, April 5, 2005
- 30) "Anti-Terror Laws and Racial Profiling"
York Federation of Students, York University, Toronto, ON, March 16, 2005
- 31) "Post 9/11 Policing and Racial Profiling"
Temple Har Zion, Jafari Centre and The Mosaic Group, Toronto, ON, Jan. 30, 2005
- 32) "Keeping the Faith: Alternative Dispute Resolution in Ontario's Faith Communities"
University of Toronto Student Affairs Office and the Faculty of Law Diversity Committee
St. George Campus, Toronto, ON, Nov. 18, 2004
- 33) "Minority Rights in a Pluralistic Society"
North American Federation of Muslims from India, 14th Annual Conference Keynote Address
Toronto, ON, Sept. 25, 2004
- 34) "Islamic Law: An Overview"
York University, Toronto, ON, April 16, 2004
- 35) "Navigating Discrimination: Rights of Foreign Airline Passengers in the U.S."
Students for Global Justice, University of Toronto, Toronto, ON, March 18, 2004
- 36) "Islamic Rules of Inheritance and Ontario Law"
Queen's University, Kingston, ON, Jan. 2004
- 37) "The Changing World: The War on Terrorism and Civil Liberties"
Keynote Address, Annual Meeting, Community Resources Consultants of Toronto (CRCT)
College Street United Church, Toronto, ON, Sept. 30, 2003
- 38) "The War on Terror: A Legislative Overview"
ICCO Community Centre of Ontario, Toronto, ON, July 19, 2003
- 39) "Canadian Family Law: a Primer"
Seminar on Family Issues, Oakville, ON, April 17, 2003
- 40) "Legal Issues in Social Work"
Conference on Family and Social Services, Oakville, ON, March 2, 2003
- 41) "War and the Erosion of Rights"
Symposium on the Long Term Implications of War in Iraq, Canadian Friends of Sabeel, Canadian Ecumenical Justice Initiatives (KAÏROS), and the Near East Cultural and Educational Foundation (NECEF), University of Toronto, Toronto, ON, Feb. 20, 2003
- 42) "The Canadian Jihad: Canadian Muslims Post 9/11"
Ontario Institute for Studies in Education, University of Toronto, Toronto, ON, Jan. 31, 2003

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43) “The Changing World: The War on Terrorism and Canadian Muslims”
Students’ Union, University of Windsor, Windsor, ON, July 2002

42) “From Civil Liberties to Foreign Policy – Impact on Canadian Muslims”
Islamic Society of North America 28th Annual Convention, Toronto, ON, May 17, 2002

44) “Defending Civil Liberties After 9/11”
Other panellists included Prof. Ed Morgan and Prof. Sharry Aiken
University of Toronto Law School, Toronto, ON, Oct. 15, 2002

45) “Hate Crimes: Legislation and Legal Remedies”
Conference on Hate Crimes, Centre for Research-Action on Race Relations (CRARR)
Montreal, PQ, March 21, 2002 to March 22, 2002

REFERENCES

<p>Professor Donald McRae Member, International Commission of Jurists, Professor of Law and Hyman Soloway Chair in Business and Trade Law Faculty of Common Law University of Ottawa 57 Louis Pasteur St., #340 Ottawa, Ontario, K1N 6N5 Tel: (613) 562-5800 x3304 Email: Donald.McRae@uottawa.ca</p>	<p>Professor Trevor C. W. Farrow Associate Professor Osgoode Hall Law School York University, 4700 Keele Street Toronto, Ontario, M3J 1P3 Tel: (416) 736-5420 Email: TFarrow@osgoode.yorku.ca</p>
<p>Professor Charles Gastle Director of LL.M. Program in International Trade and Competition Law and Adjunct Professor Osgoode Hall Law School York University, 4700 Keele Street Toronto, Ontario, M3J 1P3 Tel: (416) 361-3319 ext 222 Email: cgastle@bennettgastle.com</p>	<p>Professor Obiora Chinedu Okafor Associate Professor Osgoode Hall Law School York University, 4700 Keele Street Toronto, Ontario, M3J 1P3 Tel: (416) 736-5043 Email: ookafor@yorku.ca</p>
<p>Mr. Fareed Amin Deputy Minister, Ministry of Economic Development and the Ministry of Small Business and Entrepreneurship, Government of Ontario 8th. Floor, Hearst Block, 900 Bay Street Toronto, Ontario Tel. 416-325-6927 Email: Fareed.Amin@ontario.ca</p>	<p>Mr. Shahzad A. Malik Partner Akin Gump Strauss Hauer & Feld LLP 2029 Century Park East, Suite 2400 Los Angeles, CA, 90067 (310) 229-1056 (Direct Dial) (310) 552-6726 (Direct Fax) Email: smalik@AkinGump.com</p>

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