

June 8, 2006



Professor David Noble
Social Science
S748 Ross Buidling

Dear Professor Noble:

I am in receipt of your letter of June 2 to Mr. Houlden, a copy of which you sent to me.

Your letter contains a number of factual inaccuracies and misunderstandings, the most important of which I am writing to clarify or correct as follows:

- The recent decision of the Court of Appeal did not find that York's president was a public official. Rather, it found that York's president occupies a statutory office. The court made a determination that the issue of whether the tort of misfeasance in public office should be extended to persons occupying a statutory office should in this case not be determined on a motion to strike a pleading. The university disagrees with the decision on a number of grounds and is seeking leave to appeal the matter to the Supreme Court of Canada. A copy of the decision is enclosed for your information.
- The University's alumni association has had a long standing affinity relationship with Manulife and its predecessor company, (we believe going back to 1982), long before either Dr. Marsden or Mr. Gouda were associated with York. Therefore neither individual is or was responsible for the creation of the relationship.
- Dr. Marsden joined the Board of Manulife in 1995 and was appointed to the York Board in 1997. Her position as a director of Manulife was disclosed at that time and consent given to her continuing in that capacity.
- I am advised that neither Dr. Marsden nor Mr. Gouda have received any personal benefit as a result of the affinity arrangements with Manulife which have been put in place.
- I am advised that the process you describe for affinity mailings is incorrect.

Please take the appropriate steps to ensure that the incorrect and misleading information which you have circulated is corrected.

Yours truly,

YORK UNIVERSITY

Per:

A handwritten signature in black ink, appearing to read "Harriet Lewis".

Harriet Lewis
Counsel

/klg

