

**CLASS PROCEEDING**

This is the 1st affidavit  
of Ellen Aitchison in this case  
and was made on September 13, 2013

No. T-696-10

**FEDERAL COURT**

BETWEEN:

MARK CUZZETTO

PLAINTIFF

AND:

BUSINESS IN MOTION INTERNATIONAL CORPORATION,  
ALAN KIPPAX and ASHIF MOHAMED

DEFENDANTS

**AFFIDAVIT**

I, Ellen Aitchison, retired preschool teacher, of Kelowna, British Columbia,  
AFFIRM THAT:

1. I was a distributor for Business in Motion International Corporation ("**BIM**"). As such, I have personal knowledge of the facts and matters deposed to in this affidavit except where I state them to be made on information and belief, and as to those facts and matters, I believe them to be true.

**BACKGROUND**

2. On or about August 22, 2008, I attended a meeting regarding a "business opportunity" held at the Delta Grand Kelowna at 1310 Water Street, Kelowna, BC, after being invited by a friend. The friend did not tell me what the meeting was about, but said that it was an incredible opportunity and encouraged me to attend.

3. The meeting was a recruitment session for BIM (a “**BIM Seminar**”). The contents of the BIM Seminar are discussed below.

4. I attended the BIM Seminar with my husband, Derek Aitchison, and two friends.

5. Inside the hotel, there was a long line down the corridor outside the seminar room. When we entered the seminar room, it was already full of people, and more people entered after we did. More chairs were being added to accommodate the extra people. I estimate there were in excess of 100 people at the BIM Seminar.

6. The BIM Seminar consisted of three presenters – one man whose name I do not recall, Lena Track (“**Track**”), and Alan Kippax (“**Kippax**”). The three presenters, including Kippax, spoke to the assembled crowd and displayed a series of slides.

7. The introductory portion of the BIM Seminar focused on a vacation discount package called “**Ultra Life Club Memberships**”. The presenter said that Ultra Life Club Memberships were worth \$75,000, had been sold for \$15,000, and had more recently retailed for \$9,000. The presenter also said that Ultra Life Club Memberships allowed access to discounted rates on vacation packages.

8. The presenter focused on the exotic places that an Ultra Life Club Membership would allow an Ultra Life Club Member to travel to. The presenter gave the example of a vacation in Spain for \$25 a day.

9. The second segment of the BIM Seminar was delivered by Track. She explained how the BIM “business opportunity” worked. She said that for \$80 and the purchase of either an Ultra Life Club Membership, a pack of appraised gemstones (a “**Gem Cache**”), or other “**Perpetual Motion Products**”, attendees could become “**BIM Distributors**” with access to wholesale pricing.

10. More importantly, she said that a BIM Distributor could enter a “**BIM Corporate Ladder**” and earn from every sale made. She said that if a BIM Distributor sold two Perpetual Motion Products for \$3,200, the BIM Distributor would make commissions of \$13,200 plus keep the Perpetual Motion Product valued at \$9,000, for a total value of

\$22,200. She said that BIM Distributors could make even more if they sold more than two Perpetual Motion Products.

11. The final and more forceful segment of the BIM Seminar was delivered by Kippax. Kippax introduced several other people who attended the meeting and had reached the “**Director of Sales**” position. He said people who had reached Director of Sales had been paid for their work as a part of BIM. Kippax said that none of the people he introduced as Director of Sales had sales experience before becoming BIM Distributors. Kippax asked each of the Directors of Sales how many “keys” they had collected for making sales and how long it took them to become Director of Sales. For each Director of Sales, Kippax announced a dollar value that person had earned for the number of keys they had collected. These amounts ranged up to well over \$100,000.

12. I have reviewed the affidavit of Ken Chung, sworn August 21, 2013 (the “**Chung Affidavit**”). The presentation delivered at the BIM Seminar I attended is very similar if not identical to the presentation included at Exhibit “B” of the Chung Affidavit.

13. After the BIM Seminar, I decided to purchase an Ultra Life Club Membership so that I could become a BIM Distributor. My husband also purchased an Ultra Life Club Membership and became a BIM Distributor.

14. BIM required that I pay for my Ultra Life Club Membership and fee by way of certified cheque in the amount of \$3,280. This included the \$80 fee to become a BIM Distributor and \$3,200 for the Ultra Life Club Membership.

15. The receipt for my Ultra Life Club Membership and the fee paid to become a BIM Distributor was dated August 26, 2008. A copy of that receipt is attached as **Exhibit “A”**.

### **BIM CORPORATE LADDERS**

16. After signing up as a BIM Distributor, I was registered on a BIM Corporate Ladder. I was assigned BIM ID# 26505. I was given a username and password that allowed me to log into bimcorporation.com to view information about my BIM Corporate

Ladder. I would regularly capture images of the information on my BIM Corporate Ladders and saved these images for my records.

17. I was first put on a BIM Corporate Ladder on August 28, 2008. I was put on Board ID# P003572 as Sales Rep #5. A copy of this BIM Corporate Ladder as of August 28, 2008 at 2:47 PM is attached as **Exhibit "B"**.

18. On September 10, 2008, Board ID# P003572 went into "**Capture the Key**" mode. This meant that someone on that BIM Corporate Ladder had not met their required sales quota, and anyone else on the BIM Corporate Ladder was able to make that sale instead and Capture the Key, along with the \$5,000 commission that came with the sale. I sold a Perpetual Motion Product in Capture the Key mode, and so earned a "Gold Key" that is required to become qualified to become a "Vice President" after I reached "Director of Sales". A copy of that BIM Corporate Ladder as of September 10, 2008 at 10:13 AM is attached as **Exhibit "C"**.

19. On September 10, 2008, Board ID# P003655 was completed and "split", or broke into two BIM Corporate Ladders with a new Director of Sales for each BIM Corporate Ladder. The previous Director of Sales, "Laara C.", was removed from the BIM Corporate Ladder because she was not qualified to become Vice President. The previous "Manager", "Shea E.", was promoted to Director of Sales. I was promoted to "Supervisor", along with three other Sales Reps. The newly created BIM Board was called Board ID# P003655. A copy of this BIM Corporate Ladder as of September 10, 2008 at 10:43 PM is attached as **Exhibit "D"**.

20. As suggested at the BIM Seminar, I purchased two additional Ultra Life Club Memberships and registered twice more as a BIM Distributor to push myself up the BIM Corporate Ladder. I purchased those Ultra Life Club Memberships on September 17, 2008. Invoices for those two orders are attached as **Exhibits "E"** and **"F"**.

21. By September 24, 2008, I had earned two "Green Keys" for completing my required sales. Once I had earned two Green Keys and a Gold Key, I was fully qualified

to become a Vice President after becoming Director of Sales. A copy of this BIM Corporate Ladder as of September 24, 2008 at 1:57 PM is attached as **Exhibit "G"**.

22. On October 22, 2008, I purchased another Ultra Life Club Membership. For that purchase, I earned a "Black Key" that entitled me to a \$5,000 commission upon reaching Director of Sales. A copy of the invoice for this order is attached as **Exhibit "H"**.

23. My BIM Corporate Ladder split twice more over the coming weeks and months. I was promoted to Manager, and eventually I was promoted to Director of Sales.

24. Before I was paid the commissions I had earned as a BIM Distributor for selling Perpetual Motion Products, my corporate ladder was "Crushed" because not all positions had been filled within the allocated time. A copy of the BIM Board showing my "Crushed" BIM Corporate Ladder is attached as **Exhibit "I"**.

25. Although I sold Perpetual Motion Products, I did not receive any money from BIM because my BIM Corporate Ladder was crushed. I was not refunded my \$3,200 as promised. I did not receive the \$20,000 in commissions that I had earned for collecting one Gold Key, two Green Keys, and one Black Key.

### **ULTRA LIFE CLUB MEMBERSHIPS**

26. In total, I purchased four Ultra Life Club Memberships for a total of \$12,800 and paid \$80 to become a BIM Distributor. My husband also purchased one Ultra Life Club Membership for \$3,200 and paid \$80 to become a BIM Distributor.

27. I tried to use the Ultra Life Club Membership to book a holiday. The travel packages that were available through the Ultra Life Club Membership were no cheaper than ordinary vacation packages available online or through a travel agent. In my opinion the Ultra Life Club Membership had little or no real value.

**PURPOSE**

28. I make this affidavit in support of the Plaintiff's motion for default judgment.

AFFIRMED BEFORE ME at Kelowna, )  
British Columbia on September 13, 2013. )

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A Commissioner for taking Affidavits for )  
British Columbia )

  
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**Erin M. Hatch**  
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