

CLASS PROCEEDING

This is the 1st affidavit
of Johnny Abma in this case
and was made on September 17, 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, Jentje "Johnny" Abma, retiree, 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. I am 61 years old and retired.

3. On December 4, 2008, I attended a meeting in Grand Forks, British Columbia, about a "business opportunity" after being invited by a man named John Madison. Mr. Madison did not tell me anything about the business opportunity, but insisted that I come to the meeting to hear about it, and that it could be very profitable.

4. The meeting was a recruitment session for BIM, including a brief pitch about a travel program called an “**Ultra Life Club Membership**” and an extensive review of the BIM business model (a “**BIM Seminar**”). The majority of the meeting was a description of the business opportunity - the chance to buy the Ultra Life Club Membership for \$3,200, and to pay an additional \$80 to become a “**BIM Distributor**” with the rights to sell the Ultra Life Club Memberships and other products offered by BIM (“**Perpetual Motion Products**”).

5. At the BIM Seminar in Grand Forks, BC, I was told that by becoming a BIM Distributor, I could advance through the “**BIM Corporate Ladder**” to “**Director of Sales**”. If I sold two Perpetual Motion Products, I was told I would make \$22,200 in cash and value once I became Director of Sales. Even if I did not make any sales, I would be reimbursed the \$3,200 I paid. I was told that if I made more than two sales, there was a chance I could become the “**Vice President**” of my BIM Corporate Ladder, which would allow me to make up to \$100,000.

6. At the BIM Seminar in Grand Forks, BC, I was given a brochure called “I Can’t Believe It’s True”. That brochure depicts Alan Kippax welcoming new BIM Distributors. The brochure promises “Wealth: upfront \$\$\$, midterm \$\$\$ (Sleeping Money), residual \$\$\$”, asking “Why work for a living when you can make money instead?” It promises a maximum return of \$100,000. It also featured a testimonial from a Glen Delwisch, a former law enforcement officer with 20 years’ experience, discussing how quickly he had moved up the BIM Corporate Ladder and made \$100,000. A copy of the “I Can’t Believe It’s True” brochure is attached as **Exhibit “A”**.

7. The program presented at the BIM Seminar appeared to be a very good business opportunity. I thought it would be an excellent chance to earn more money for my retirement.

8. At a similar BIM Seminar the next week, on December 11, 2008, I bought an Ultra Life Club membership for \$3,200, and paid an additional \$80 to become a BIM Distributor. Although I had no interest or need for the Ultra Life Club membership, I

understood that purchase of a Perpetual Motion Product was required in order to participate in a BIM Corporate Ladder.

9. After becoming a BIM Distributor, I attended numerous BIM Seminars across western Canada, including seminars in Grand Forks, BC, Kelowna, BC, Calgary, AB, Edmonton, AB and Red Deer, AB. BIM encouraged BIM Distributors to attend as many BIM Seminars and other BIM training sessions as possible. I attended as many BIM Seminars as I could, often more than one per week. In my experience, BIM Seminars often followed the same general structure, and were very similar, if not identical, to the BIM Seminar in Exhibit "B" of the Affidavit of Ken Chung, sworn August 21, 2013, which I reviewed before affirming this affidavit.

10. BIM would often host tours, hopping from city to city in rapid succession. One such tour was the "Waking Up the Neighbours Tour", which ran from November 7, 2008 through to December 22, 2008, and went from Manitoba through to British Columbia. A copy of the "Waking Up the Neighbours Tour" brochure and schedule is attached as **Exhibit "B"**.

11. BIM Distributors were encouraged to buy more BIM Products themselves, and to register again as a BIM Distributor, to move themselves up the BIM Corporate Ladder more quickly and to secure more places on the BIM Corporate Ladder, and therefore earn more payouts as Director of Sales. In my experience, the focus of the BIM business opportunity was in moving through a BIM Corporate Ladder, as opposed to developing a business of selling Perpetual Motion Products to repeat customers.

12. BIM Distributors were also provided with other promotional materials. For example, one BIM promotional sheet promises "Passive but MASSIVE Profitability" and suggests that continued participation could lead to income as high as \$3,271,600. A copy of this promotional sheet is attached as **Exhibit "C"**.

13. BIM also introduced new positions on the BIM Corporate Ladder. One new position was the "Retired Vice President", which promised up to \$500,000 in "Sleeping

Money”, which could be earned without doing any additional work. A copy of a brochure introducing the Retired Vice President position is attached as **Exhibit “D”**.

14. I had invested roughly \$31,000 in various BIM Products, including Ultra Life Club memberships and Gem Caches. I thought the real value in purchasing the BIM Products was not in the BIM Products but in the opportunity to have another spot on the BIM Corporate Ladder.

15. In some cases, like with the Gem Caches I purchased, I did not receive the products I had purchased. I requested refunds on the products I did not receive, but I did not receive refunds.

ALAN KIPPAX

16. I met Alan Kippax (“**Kippax**”) on several occasions during my time as a BIM Distributor.

17. The first time I met Kippax was at the third BIM Seminar I attended, this one in Kelowna, BC. This meeting was widely attended, with a lineup going out the door.

18. BIM Seminars were held once a week, and Kippax attended the BIM Seminars once a month. At BIM Seminars I attended, Kippax was introduced as a “Mathematician By Trade”, or “MBT”.

19. At those BIM Seminars, Kippax would often pose for photographs with new BIM Distributors. Examples of those photographs can be found on the cover of the brochure attached as Exhibit “A” to this Affidavit.

20. During a BIM Seminar in Calgary, AB, Kippax brought me to the front of the room to give a testimonial, along with everyone else who had reached the position of “Director of Sales” in the BIM Corporate Ladder. He went down the line of people, asking each how many “keys” each of them had received. He would then announce the amount of money those keys entitled each person to. When he got to me, he asked me how many keys I had received. When I told him how many, Kippax told the crowd at the BIM Seminar that I had earned \$76,000.

21. In fact, BIM had not paid me the \$76,000 Kippax told the Calgary BIM Seminar I had earned. Kippax was aware of this when he described my earnings to the Calgary BIM Seminar. I had informed Kippax on several occasions that I had not been paid the \$76,000 owing to me. Kippax told me that BIM was "working on it". I understood that meant that I would be paid soon. I was mistaken: I still have not been paid.

22. In early 2010, a conference call for BIM Distributors was held. On that call, Kippax advised BIM Distributors that BIM was ceasing operations indefinitely and that no further payments would be made.

23. After BIM ceased operations, Kippax contacted me and asked me to invest in a new business opportunity. He told me that I was "the first" and that I was "at the top". I did not invest in this new business opportunity.

PURPOSE

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

AFFIRMED BEFORE ME at Calgary, AB)
on September 17, 2013.)

A Commissioner for taking Affidavits for)
Alberta)

Jentje "Johnny" Abma)

ASHWANI KUMAR ARORA
A Commissioner for Oaths
in and for the Province of Alberta
My Commission Expires March 31, 2015