

**IN THE MATTER OF THE *SECURITIES ACT*
R.S.O. 1990, c. S.5, AS AMENDED**

- and -

**IN THE MATTER OF
DONNA HUTCHINSON, CAMERON EDWARD CORNISH, DAVID PAUL GEORGE
SIDDEES and PATRICK JELF CARUSO**

NOTICE OF MOTION

THE RESPONDENT, David Paul George Sidders, will make a motion to the Ontario Securities Commission (the “Commission”) on a date to be determined at the offices of the Commission, 17th Floor, 20 Queen Street West, Toronto, Ontario.

PROPOSED METHOD OF HEARING: The motion is to be heard orally.

THE MOTION IS FOR:

- (a) An order to sever and direct a separate hearing of the allegations against Mr. Sidders;
- (b) An order striking paragraphs 20, 21, 22, 23, 24 (the “Struck Paragraphs”) of the Statement of Allegations (“SOA”);
- (c) In the alternative to subparagraph (b) above, an order stating that the Struck Paragraphs are irrelevant to the allegations against Mr. Sidders or any Respondent and Staff is not to call evidence with respect to the issues raised in the Struck Paragraphs; and,
- (d) Such further and other relief as counsel may request and the Commission may permit.

THE GROUNDS FOR THE MOTION ARE:***i) Order to Sever***

- (a) Staff of the Commission issued the SOA on September 21, 2017. The SOA is 14 pages long with 35 paragraphs.
- (b) The allegations are based on alleged insider trading that occurred in 8 separate transactions between 2011 and 2016. The allegations against the Respondent, Mr. Sidders, relate to only 3 of these transactions.
- (c) In addition, at paragraph 24 of the SOA under the heading “Evidence of Similar Trading before the Material Time”, Staff refers to 2 additional transactions. There are no allegations made against Mr. Sidders, or any of the Respondents, with respect to these 2 additional transactions.
- (d) There are no or limited common questions of fact or law linking Mr. Sidders to the other Respondents with respect to the transactions for which no allegations are made against Mr. Sidders.
- (e) Mr. Sidders will be prejudiced if the limited allegations brought against him are heard with the myriad of other allegations brought against the other Respondents. Conversely, severance would lead to no material prejudice for any other party.
- (f) A substantially quicker and shorter hearing to determine the allegations against Mr. Sidders could be scheduled and it would be in the interests of justice and the public interest if severance is granted.

ii) Order to Strike

- (g) The Struck Paragraphs raise the issue of “Evidence of Similar Trading During the Material Time” and “Evidence of Similar Trading before the Material Time”. The “Evidence of Similar Trading” relates to entities and individuals who are not named as Respondents in this proceeding.

- (h) There are no allegations against Mr. Sidders (or any other Respondent) contained in the Struck Paragraphs.
- (i) The issues raised in the Struck Paragraphs are irrelevant and disconnected from the allegations made against Mr. Sidders.
- (j) The issues raised in the Struck Paragraphs will add significantly to the time and expense of the hearing.
- (k) An Order striking the Struck Paragraphs or restricting Staff's ability to call evidence with respect to the Struck Paragraphs will expedite the hearing without affecting Staff's ability to prosecute the allegations it has brought against Mr. Sidders.
- (l) Rules 1 and 3 of the *Ontario Securities Commission Rules of Procedure*; and
- (m) Such further and other grounds as counsel may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the motion:

- (a) The Statement of Allegations of Staff of the Commission dated September 21, 2017; and
- (b) Such further and other materials as counsel may advise and the Commission may permit.

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