



Ontario  
Securities  
Commission

Commission des  
valeurs mobilières  
de l'Ontario

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

**- AND -**

**IN THE MATTER OF  
HOLLINGER INC., CONRAD M. BLACK,  
F. DAVID RADLER, JOHN A. BOULTBEE,  
AND PETER Y. ATKINSON**

**ORDER**

**WHEREAS** on March 18, 2005 the Ontario Securities Commission (the "Commission") issued a Notice of Hearing pursuant to sections 127 and 127.1 of the Securities Act, R.S.O. 1990, c. S.5, as amended (the "Act") accompanied by a Statement of Allegations issued by Staff of the Commission ("Staff") with respect to Hollinger Inc. ("Hollinger"), Conrad M. Black ("Black"), F. David Radler ("Radler"), John A. Boulton ("Boulton") and Peter Y. Atkinson ("Atkinson") (collectively, the "Respondents");

**AND WHEREAS** the matter was set down for a hearing to commence on Wednesday, May 18, 2005;

**AND WHEREAS** the Commission granted a request for adjournment of this proceeding on consent of Staff and the Respondents from Wednesday, May 18, 2005 to Monday, June 27, 2005 in its Order dated May 10, 2005;

**AND WHEREAS** on June 27, 2005, the Commission granted a further request for adjournment of this proceeding on consent of Staff and the Respondents from Monday, June 27, 2005 to Tuesday, October 11, 2005 in its Order dated June 27, 2005;

**AND WHEREAS** the Commission held a contested hearing on October 11 and November 16, 2005, to determine the appropriate date for a hearing on the merits of the above matter;

**AND WHEREAS** on January 24, 2006, the Commission issued its Reasons and Order setting down the matter for a hearing on the merits commencing June 2007, subject to each of the individual respondents agreeing to execute an Undertaking to the Commission to abide by interim terms of a protective nature within 30 days of that Decision;

**AND WHEREAS** following the Reasons and Order dated January 24, 2006, all the individual respondents provided Undertakings in a form satisfactory to the Commission;

**AND WHEREAS** on March 30, 2006, the Commission issued an order with attached Undertakings provided by the individual Respondents in a form satisfactory to the Commission, and ordered, among other things, that the hearing on the merits commence on Friday, June 1, 2007 at 9:30 a.m., or as soon thereafter as may be fixed by the Secretary to the Commission and agreed to by the parties;

**AND WHEREAS** the individual Respondents further provided to the Commission Amended Undertakings stating that each of the respondents agree to abide by interim terms of a protective nature, as set out more fully in the Amended Undertakings, pending the Commission's final decision of liability and sanctions in the proceeding commenced by the Notice of Hearing;

**AND WHEREAS** on April 4, 2007, the Commission issued an order with attached Amended Undertakings provided by the individual Respondents in a form satisfactory to the Commission, and ordered that the hearing on the merits be scheduled to take place November 12 to December 14, 2007, and January 7 to February 15, 2008;

**AND WHEREAS** Black and Boulton brought motions on the basis of certain grounds enumerated in Notices of Motion dated September 5, 2007 and September 6, 2007, respectively, requesting the following relief;

- (i) an order adjourning the hearing of this matter, currently scheduled to take place on November 12 to December 14, 2007 and January 7, to February 15, 2008; and
- (ii) an order to attend before the Commission on a date convenient in mid-December 2007, following the scheduled sentencing of the respondents Black and Boulton in the criminal proceedings brought against them in the United States, for the purpose of obtaining further directions regarding the conduct of these proceedings;

**AND WHEREAS** on September 11, 2007, the Commission granted a request for adjournment of this proceeding on consent of Staff and the Respondents, and issued an order scheduling a hearing for December 11, 2007 for the purpose of addressing the scheduling of this proceeding;

**AND WHEREAS** Boulton requested an adjournment of the hearing on December 11, 2007 to a date in January, 2008, by letter addressed to the Secretary to the Commission dated November 29, 2007, for the purpose of addressing the scheduling of this proceeding;

**AND WHEREAS** on December 10, 2007, the Commission granted a request for adjournment of this proceeding on consent of Staff and the Respondents, and issued an order scheduling a hearing for January 8, 2008 for the purpose of addressing the scheduling of this proceeding;

**AND WHEREAS** Black requested an adjournment of the hearing on January 8, 2008 to a date in late March 2008, by letter addressed to the Secretary to the Commission dated December 19, 2007, for the purpose of addressing the scheduling of this proceeding;

**AND WHEREAS** on January 7, 2008, the Commission granted a request for adjournment of this proceeding on consent of Staff and the Respondents, and issued an order scheduling a hearing for March 28, 2008 for the purpose of addressing the scheduling of this proceeding;

**AND WHEREAS** Black and Boultee brought motions requesting an order adjourning the hearing of this matter to a convenient date in late September 2008, on the basis of certain grounds enumerated in Notices of Motion dated March 24 and March 25, 2008 respectively, including grounds related to the pending appeals of Black and Boultee in the criminal proceedings brought against them in the United States;

**AND WHEREAS** on March 27, 2008 the Commission granted the requested adjournment and scheduled a hearing for September 26, 2008;

**AND WHEREAS** Boultee brought a motion requesting an order adjourning the hearing of this matter to a convenient date in February 2009, on the basis of certain grounds enumerated in Boultee's Notice of Motion dated September 22, 2008, including grounds related to an intended application for a Writ of Certiorari from the Supreme Court of the United States in respect of the criminal proceedings brought against him in the United States;

**AND WHEREAS** on September 26, 2008 the Commission granted the requested adjournment and scheduled a hearing for February 16, 2009;

**AND WHEREAS** Boultee brought a motion requesting an order adjourning the hearing of this matter from February 12, 2009 to a convenient date in May 2009, on the basis of certain grounds enumerated in Boultee's Notice of Motion dated February 2, 2009, including grounds related to the determination of Boultee's Writ of Certiorari to the Supreme Court of the United States;

**AND WHEREAS** on February 16, 2009 the Commission granted the requested adjournment and scheduled a hearing for May 21, 2009;

**AND WHEREAS** Boultee brought a motion requesting an order adjourning the hearing of this matter, on the basis of certain grounds enumerated in Boultee's Notice of Motion dated May 19, 2009, including grounds related to Boultee's pending appeal in the Supreme Court of the United States.

**AND WHEREAS** on May 21, 2009 the Commission granted the requested adjournment and scheduled a hearing for July 10, 2009;

**AND WHEREAS** Boultee requested an order adjourning the hearing of this matter until October, 2009 on the basis of the grounds enumerated in the above-mentioned Notice of Motion dated May 19, 2009;

**AND WHEREAS** on May 20, 2009 the Commission granted the requested adjournment and scheduled a hearing for October 8, 2009;

**AND WHEREAS** Boulton has advised the Commission that the appeal before the United States Supreme Court, in respect of the criminal proceeding brought against him in the United States, is scheduled to be heard in December, 2009;

**AND WHEREAS** Boulton has requested an order adjourning this matter *sine die*, pending the release of the decision of the United States Supreme Court in relation to his appeal in the criminal proceeding described herein;

**AND WHEREAS** the Respondents and Staff of the Commission consent to the requested order;

**IT IS ORDERED THAT:**

- (i) The hearing of this matter, currently scheduled for October 8, 2009, is adjourned;
- (ii) The hearing before the Commission is adjourned *sine die*, pending the release of the decision of the United States Supreme Court in relation to the appeal brought by Boulton referred to herein, such hearing to be returnable for the purpose of scheduling on no less than seven days' notice, or until such further Order as may be made by the Commission.

**DATED** at Toronto this 7<sup>th</sup> day of October, 2009



**JAMES D. CARNWATH**