



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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Toronto ON M5H 3S8

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20, rue queen ouest
Toronto ON M5H 3S8

**IN THE MATTER OF THE *SECURITIES ACT*,
R.S.O. 1990, c.S.5, as amended**

-AND-

**IN THE MATTER OF PAUL AZEFF, KORIN BOBROW,
MITCHELL FINKELSTEIN, HOWARD JEFFREY MILLER AND
MAN KIN CHENG (a.k.a. FRANCIS CHENG)**

ORDER

WHEREAS on September 22, 2010, the Ontario Securities Commission (the “Commission”) issued a Notice of Hearing pursuant to ss. 127 and 127.1 of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the “*Securities Act*”), accompanied by a Statement of Allegations of Staff of the Commission (“Staff”) with respect to the respondents Howard Jeffrey Miller (“Miller”) and Man Kin Cheng (“Cheng”);

AND WHEREAS on November 11, 2010, the Commission issued a Notice of Hearing, pursuant to ss. 127 and 127.1 of the *Securities Act*, accompanied by an Amended Statement of Allegations of Staff which added the respondents Paul Azeff (“Azeff”), Korin Bobrow (“Bobrow”) and Mitchell Finkelstein (“Finkelstein”);

AND WHEREAS on April 18, 2011, Staff filed an Amended Amended Statement of Allegations with respect to the respondents Azeff, Bobrow, Finkelstein, Miller and Cheng;

AND WHEREAS on June 3, 2014, the Commission heard a motion brought by Staff seeking the direction of the Commission authorizing Staff's application to the Ontario Superior Court of Justice for an Order appointing a person to take the evidence of Hillel Frankel, Howard Greenspoon and Leon Krantzberg (the "Québec Witnesses");

AND WHEREAS the Québec Witnesses have relevant evidence to provide at the hearing of this proceeding;

IT IS HEREBY ORDERED THAT Staff may make an application to the Ontario Superior Court of Justice for an Order:

- (a) appointing the members of the Hearing Panel to take the evidence of Hillel Frankel, Howard Greenspoon and Leon Krantzberg (the "Québec Witnesses") for use in this proceeding before the Commission;
- (b) providing for the issuance of a letter of request directed to the judicial authorities of the Québec Superior Court (the "Québec Court"), requesting the issuance of such process as is necessary to compel the Québec Witnesses to attend before the members of the Hearing Panel to give testimony on oath or otherwise and to produce documents and things relevant to the subject matter of this proceeding;
- (c) providing that the examinations of the Québec Witnesses (the "Examinations") shall take place during the Hearing on the Merits in this matter on a date as advised by Staff upon reasonable notice;
- (d) prescribing that the procedural and evidentiary rules of Ontario will apply to the Examinations to the extent permissible by the laws of Québec;
- (e) providing that, pursuant to section 152(2) of the *Securities Act*, the practice and procedure in connection with the appointment of the Hearing Panel members, the taking of evidence and the certifying and return of the appointment shall, as far as possible, be the same as those that govern similar matters in civil proceedings in the Superior Court of Justice;

- (f) providing that, pursuant to Rule 34.07(1) of the *Rules of Civil Procedure*, R.R.O. 1990, Reg. 194, the Examinations are to take place at 20 Queen Street West, 17th Floor, Toronto, Ontario at the Hearing on the Merits in this matter;
- (g) providing that if, in the alternative, the Québec Court orders that the evidence of the Québec Witnesses shall be taken in Québec, the Examinations shall be conducted via video and audio link from Montréal to the Commission’s hearing in this matter so that the members of the Hearing Panel in the proceeding, sitting in Toronto, are able to observe and participate in the Examinations and make any required evidentiary rulings; and
- (h) providing that any of the Québec Witnesses who voluntarily attend to testify in person on oath or otherwise at the Hearing on the Merits in this matter in Toronto on a date as advised by Staff upon reasonable notice shall not be considered in breach of any process issued by the Québec Court to compel the Québec Witnesses to attend for the Examinations in Montréal via video and audio link.

Dated at Toronto this 3rd day of June, 2014.

“Alan J. Lenczner”

Alan J. Lenczner

“AnneMarie Ryan”

AnneMarie Ryan

“Catherine E. Bateman”

Catherine E. Bateman