



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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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
IMAGIN DIAGNOSTIC CENTRES INC., PATRICK J. ROONEY,
CYNTHIA JORDAN, ALLAN McCAFFREY, MICHAEL SHUMACHER,
CHRISTOPHER SMITH, MELVYN HARRIS and MICHAEL ZELYONY**

ORDER

WHEREAS on September 28, 2007 the Ontario Securities Commission (the "Commission") issued a Notice of Hearing pursuant to s. 127 of the Securities Act, R.S.O. 1990, c. S.5, to consider whether it is in the public interest to make certain orders against Imagin Diagnostic Centres Inc. ("Imagin"), Patrick J. Rooney ("Rooney"), Cynthia Jordan ("Jordan"), Allan McCaffrey ("McCaffrey"), Michael Shumacher ("Shumacher"), Christopher Smith ("Smith"), Melvyn Harris ("Harris") and Michael Zelyony ("Zelyony"), collectively, the "Respondents";

AND WHEREAS on October 5, 2007, Staff of the Commission and counsel for Imagin, Rooney, Jordan, McCaffrey, Shumacher, Smith and Zelyony attended and requested that the matter be adjourned to December 5, 2007 in order to review disclosure and have a pre-hearing conference on or before that date;

AND WHEREAS on October 5, 2007, Tom Anderson, Senior Investigator on this matter spoke with Harris and Harris stated that he was content that this matter be adjourned to December 5, 2007;

AND WHEREAS on November 30, 2007, Harris sent a fax indicating that he would not be able to attend on December 5, 2007 and previously indicated that he was content that this matter be adjourned;

AND WHEREAS on December 5, 2007, Staff of the Commission and counsel for Imagin, Rooney, Jordan, McCaffrey, Shumacher, Smith and Zelyony attended and requested that the matter be adjourned to February 22, 2008 in order to have a pre-hearing conference on that date;

AND WHEREAS on February 22, 2008, Staff of the Commission and counsel for Imagin, Rooney, Jordan, McCaffrey, Shumacher, Smith and Zelyony attended for the pre-hearing conference and requested that the matter be adjourned to April 15, 2008, in order to continue the pre-hearing conference on that date;

AND WHEREAS on April 15, 2008, Staff of the Commission and counsel for Imagin and Rooney advised the Commission that they had received information that Melvyn Harris had passed away;

AND WHEREAS on April 15, 2008, the Commission ordered that the Hearing on the merits shall commence on March 23, 2009 at 10:00 a.m. for ten days;

AND WHEREAS on January 16, 2009 Jordan, McCaffrey, Shumacher, Smith and Zelyony entered into Settlements Agreements with the Commission;

AND WHEREAS on March 11, 2009, Imagin and Rooney brought a motion before the Commission requesting an adjournment of the Hearing on the merits;

AND WHEREAS Staff of the Commission opposed the adjournment request;

AND WHEREAS the Commission heard submissions from Staff of the Commission and from Rooney on behalf of himself and Imagin;

AND WHEREAS the Commission is satisfied that Imagin and Rooney require a brief adjournment to prepare for the Hearing on the merits as they recently ceased to be represented by counsel;

AND WHEREAS the Commission is satisfied that it is not contrary to the public interest to make this Order;

IT IS HEREBY ORDERED:

- 1) that the Hearing scheduled to commence on March 23, 2009 is adjourned to May 19, 2009 at 10:00am;
- 2) that the Hearing on the merits shall commence on May 19, 2009 and continue until May 22, 2009 and then shall recommence on June 17, 2009 and continue until June 19, 2009 or on such other dates as directed by the Commission; and
- 3) that on consent of Rooney, Imagin and Rooney shall furnish statements to Staff of the Commission containing the anticipated evidence of all witnesses that Imagin and Rooney propose to call in the Hearing on the merits by no later than May 8, 2009.

DATED at Toronto this 11th day of March, 2009

Lawrence E. Ritchie