

**IN THE MATTER OF
FIRST GLOBAL DATA LTD., GLOBAL BIOENERGY RESOURCES INC.,
NAYEEM ALLI, MAURICE AZIZ, HARISH BAJAJ, AND ANDRE ITWARU**

File No.: 2019-22

**MOTION
OF STAFF OF THE ONTARIO SECURITIES COMMISSION
(Rule 27(3))**

A. ORDER SOUGHT

The Moving Party, Staff of the Ontario Securities Commission, requests, with notice, that the Ontario Securities Commission make the following order:

1. Andre Itwaru shall not, without a Panel's permission, be permitted to call Jay Vieira at the merits hearing unless Itwaru has served a further summary of Vieira's anticipated evidence by no later than June 19, 2020 that contains:
 - a. the substance of the evidence Vieira intends to give; and
 - b. reference to any documents that Vieira will refer to in his evidence; and
2. Such further and other orders as counsel may advise and the Commission deems just.

B. GROUNDS

The grounds for the motion are as follows:

1. The Commission issued a Statement of Allegations against the Respondents on May 31, 2019;
2. The Commission issued an Order dated December 3, 2019 requiring the Respondents to serve a summary of each witness' anticipated evidence by no later than January 31, 2020;
3. On January 31, 2020, Itwaru served Staff with witness summaries for Itwaru and Vieira;

4. Vieira was counsel to First Global Data Ltd.. He was not interviewed by Staff;
5. On February 5, 2020, Staff raised a concern with counsel for Itwaru about the sufficiency of the Itwaru and Vieira witness summaries;
6. At the third attendance in this matter held on February 7, 2020, Staff raised concerns about the sufficiency of the Itwaru and Vieira witness summaries with the Panel. Counsel for Itwaru agreed to serve a more detailed witness summary for Vieira by March 6, 2020, provided that certain privilege issues could be addressed by that date;
7. The Commission issued an Order dated February 7, 2020 that, among other things, set April 7, 2020 as the hearing date for Staff's motion regarding the sufficiency of the Itwaru and Vieira witness summaries;
8. On March 6, 2020, Itwaru served Staff with an amended witness summary for Itwaru. Staff are not raising concerns with the amended witness summary for Itwaru at this time. Itwaru did not serve an amended witness summary for Vieira;
9. The Vieira witness summary does not comply with Rule 27(3) of the Commission's *Rules of Procedure and Forms*; and
10. Such further and other grounds as counsel may advise and the Commission deems just.

C. EVIDENCE

The Moving Party intends to rely on the following evidence for the motion:

1. Affidavit of Sherry Brown sworn March 26, 2020; and
2. Such other evidence as counsel may advise and the Commission may permit.

DATED this 27th day of March, 2020.

ONTARIO SECURITIES COMMISSION

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