

**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 MAURICE AZIZ**

(For an order directing Maurice Aziz to apply to the Superior Court of Justice for an order under Section 152 of the *Securities Act*, RSO 1990, c S.5)

A. ORDER SOUGHT

The Moving Party, Maurice Aziz requests, with notice, that the Ontario Securities Commission (the “**Commission**”) make the following order in the form attached as Schedule “A”:

1. an order pursuant to s. 5.1 of the *Statutory Powers Procedure Act*, RSO 1990, s S.22 (the **SPPA**) and Rule 23(3) of the *Ontario Securities Commission Rules of Procedure and Forms*, (2019) 42 OSCB 9714 (the **Rules of Procedure**) that this motion be heard in writing;
2. an order providing that Maurice Aziz (“**Mr. Aziz**”) may apply to the Ontario Superior Court of Justice pursuant to s. 152 of the *Securities Act*, RSO 1990, c S.5 (the “**Act**”) seeking an order from the Ontario Superior Court of Justice:
 - a. appointing the members of the panel assigned to the merits hearing in the above-named matter (the **Hearing Panel**) to take the evidence of Steven Roch and Michel Faille, for use in the merits hearing before the Commission;
 - b. providing for the issuance of a letter of request directed to the judicial authorities of the Province of Quebec, requesting the issuing of such process as is necessary to compel Steven Roch and Michel Faille to attend and be examined before the Hearing Panel by video link and audio link on oath or otherwise in the merits hearing before the Commission;

- c. providing that the examinations of Messrs. Roch Faille shall take place by videoconference in Quebec at such location as may be advised by Mr. Aziz upon reasonable notice, so that the Hearing Panel, sitting in Toronto, is able to observe and participate in the examination by video link and audio link and make any required evidentiary rulings;
 - d. providing that the examinations of Messrs. Roch and Faille shall take place during the merits hearing before the Commission, commencing on October 5, 2020 at 10:00 am Eastern Time or on such other dates thereafter and times as may be advised by Staff upon reasonable notice;
 - e. prescribing that the procedural and evidentiary rules of Ontario will apply to the examinations of Messrs. Roch and Faille to the extent permissible by the laws of Quebec;
3. 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 Notice of Hearing on May 31, 2019 to commence these proceedings against the above-named Respondents and consider whether it is in the public interest for the Commission to make the orders requested in the Statement of Allegations issued on May 31, 2019.
2. Mr. Aziz is named as a Respondent in the Statement of Allegations.
3. Messrs. Roch and Faille both have evidence directly relevant to the allegations detailed in the Statement of Allegations.
4. The Commission issued an Order on February 7, 2020 ordering that the merits hearing for this proceeding will commence on October 5, 2020 and continue on dates specified by the Commission in the Order, until January 15, 2021.

5. Mr. Roch is resident in Laval, Québec. Mr. Faille is resident in Montreal, Québec Mr. Aziz intends to rely on the evidence of Roch and Faille as part of his case.
6. Mr. Aziz requires the issuance of summonses for Lauzon and Fehr in order to seek certification of such summonses by the Ontario Superior Court of Justice under the Ontario *Interprovincial Summonses Act*, RSO 1990, c I.12 in the event such certification is necessary for the judicial authorities of the Province of Quebec to issue such process as is necessary to compel the attendance of Roch and Faille.
7. Section 152 of the Act;
8. Sections 5.1 and 12 of the SPPA;
9. Rules 23(3), 26(2) and 28 of the Commission's Rules of Procedure; 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 Erin Tucker sworn September 22, 2020; and
2. Such other evidence as counsel may advise and the Commission may permit.

DATED this 22nd day of September, 2020