

**IN THE MATTER OF  
POLO DIGITAL ASSETS, LTD.**

File No.: 2021-17

**MOTION  
OF STAFF OF THE ONTARIO SECURITIES COMMISSION  
(Rule 27(1) & (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. Staff is granted leave to, by no later than seven days from the date of this Order:
  - a. File and serve on Polo Digital Assets, Ltd. (the **Respondent**) an updated witness list that replaces the Staff investigator identified previously on the witness list (Ria Sharma) with a new Staff investigator (Jocelyn Wang); and
  - b. Serve a summary of Jocelyn Wang's anticipated evidence on the Respondent; and
2. at the hearing of the merits in this proceeding, Staff may call Jocelyn Wang as a witness instead of Ria Sharma.

**B. GROUNDS**

The grounds for the motion are as follows:

1. Staff's original investigator in this proceeding, Ria Sharma, is going on an extended parental leave and will not be available for the merits hearing;
2. The Respondent was advised by Staff via email that Ria Sharma is no longer available on March 31, 2022;

3. Staff presented the Respondent with the option of examining Ria Sharma in advance of the merits hearing; however, this option was declined by Crawley MacKewn Brush LLP (CMB), counsel to the Respondent.
4. Despite the substitution of the investigator, there is no substantive change to the substance of Staff's anticipated evidence;
5. Staff provided the Respondent with a draft witness summary incorporating the proposed change on April 1, 2022, whereby the Respondent was made aware that Jocelyn Wang is replacing Ria Sharma in this proceeding and that the only changes to the witness summary are the identity and background information of Staff's investigator;
6. After not having received a response to its proposal, Staff followed up with the Respondent on April 12, 2022 to confirm (among other things) the Respondent's views on Staff's proposed change;
7. CMB has responded that they are seeking instructions; however, to preserve its rights to have this matter dealt with, if necessary, at the Final Interlocutory Attendance in this matter on April 25, 2022, Staff is filing this motion.
8. There would be no prejudice to the Respondent if the proposed Order were granted;
9. There would be prejudice to Staff, and to the just, expeditious and cost-effective disposition of this proceeding on its merits if the proposed Order were not granted;
10. The public interest favours granting the proposed Order;
11. Rules 1, 3 and 27(3) of the *Commission's Rules of Procedure and Forms*; and
12. 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 Ria Sharma sworn April 14, 2022; and
2. Such other evidence as counsel may advise and the Commission may permit.

**DATED** this 14<sup>th</sup> day of April, 2022.

**ONTARIO SECURITIES COMMISSION**  
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*Staff of the Ontario Securities Commission*