



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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File Nos.: 2022-09

**IN THE MATTER OF
BRIDGING FINANCE INC., DAVID SHARPE, NATASHA SHARPE AND ANDREW
MUSHORE**

NOTICE OF MOTION

(For an Order compelling further witness summaries under Rule 27(3) of the Capital Markets Tribunal Rules of Procedure and Forms (the **Rules**))

A. ORDER SOUGHT

The Moving Party, Enforcement Counsel of the Ontario Securities Commission (**OSC**), request that the Capital Markets Tribunal (**Tribunal**) make an order:

- a) that this motion be conducted in writing;

- b) that David Sharpe deliver, within two weeks of the Tribunal's decision on this motion, a witness summary which complies with the requirements of Rule 27(3), which further witness summary shall include:
 - i. for the list of topic areas David Sharpe references in paragraph 3 of his witness summary, the substance of his anticipated evidence for each topic; and

 - ii. the identification of the specific documents he is expected to refer to in his evidence whether or not they are included in the OSC's disclosure; and

- c) that Natasha Sharpe deliver, within two weeks of the Tribunal's decision on this motion, a witness summary which complies with the requirements of Rule 27(3), which further witness summary shall include:
- i. for the list of topic areas Natasha Sharpe references in paragraph 3 of her witness summary, the substance of her anticipated evidence for each topic; and
 - ii. the identification of the specific documents she is expected to refer to in her evidence whether or not they are included in the OSC's disclosure; and
- d) such further relief as the OSC may advise and the Tribunal may permit.

B. GROUNDS

The grounds for this motion are:

1. Pursuant to an Order of the Tribunal dated August 26, 2022 (the **August 26 Order**), David Sharpe and Natasha Sharpe were required to file and serve a witness list and summary of each witness's anticipated evidence by no later than October 28, 2022;
2. On October 28, 2022, David Sharpe wrote to the OSC indicating that he would not follow the August 26 Order to file and serve his witness list and witness summaries;
3. On October 28, 2022, Natasha Sharpe did not comply with the August 26 Order to deliver her witness list and witness summaries;
4. On November 25, 2022, David Sharpe served his witness list and a witness summary relating to his evidence. On November 28, 2022, Natasha Sharpe served her witness list and a witness summary relating to her evidence (together, the **Witness Summaries**);
5. Both Witness Summaries listed topic areas that each witness was expected to testify about but did not disclose the substance of the witnesses' testimony about each of these

- topics. Furthermore, the Witness Summaries only say that the witness will refer to documents which were included in OSC disclosure, have otherwise or will otherwise be provided or are publicly available. However, the witness summaries do not disclose the specific documents or things to which the Sharpes will refer in their evidence;
6. The OSC wrote to counsel for David and Natasha Sharpe on February 1, 2023 outlining the deficiencies in the Witness Summaries and requesting that the Sharpes provide witness summaries that meet the requirements of Rule 27(3) by February 15, 2023 (**February 1 Letter**);
 7. On February 14, 2023, David Sharpe's counsel sent an email indicating that David Sharpe disagrees with the OSC's position set out in the February 1 Letter. Natasha Sharpe's counsel did not respond to the OSC's February 1, 2023 letter;
 8. No further witness summaries were provided;
 9. Without witness summaries which comply with the Rules, a just, expeditious and cost-effective hearing may not be possible;
 10. This motion may be conducted in writing, as its only purpose is to deal with procedural matters;
 11. Rules 1, 23(3), 27(2) and 27(3) of the Rules; and
 12. Such further and other grounds as the OSC may advise and the Tribunal may permit.

C. EVIDENCE

The following evidence will be relied on at the hearing:

- a. The affidavit of Julia Ho, sworn March 9, 2023; and
- b. Such other evidence as counsel may advise and the Tribunal may permit.

March 10, 2023

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