



Capital
Markets
Tribunal

Tribunal
des marchés
financiers

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20 Queen Street West
Toronto ON M5H 3S8

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20, rue queen ouest
Toronto ON M5H 3S8

File No.: 2022-8

**IN THE MATTER OF
GO-TO DEVELOPMENTS HOLDINGS INC., GO-TO SPADINA ADELAIDE SQUARE
INC., FURTADO HOLDINGS INC., and OSCAR FURTADO**

**MOTION OF THE ONTARIO SECURITIES COMMISSION
(For Further and Better Witness Summaries under Rule 27(3))**

A. ORDER SOUGHT

The Moving Party requests with notice that the Tribunal make the following orders:

1. An order that this motion be heard in writing;
2. An order requiring Oscar Furtado to 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:
 - a. For each of the topic areas Furtado lists in paragraph 2 of his witness summary, the substance of his anticipated evidence; and
 - b. 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;
3. Such further relief as the Moving Party may advise and the Tribunal may permit.

B. GROUNDS

The grounds for this motion are:

4. On November 23, 2022, Furtado served a witness list, listing himself as the only witness, and a summary of his anticipated evidence (the **Witness Summary**);

5. The Witness Summary lists topic areas that Furtado is expected to testify about, if he testifies, but does not disclose the substance of his testimony about each of these topics. Furthermore, the Witness Summary only says that the witness will refer to documents which were included in OSC disclosure, have otherwise or will otherwise be provided or are publicly available, and do not disclose the specific documents or things to which Furtado will refer in his evidence;
6. OSC counsel wrote to Furtado's counsel on December 1, 2022, advising that the Witness Summary did not provide disclosure as required by the *Capital Markets Tribunal Rules of Procedure and Forms (Rules)* (the **December 1 Letter**) and inviting Furtado's counsel to provide a further and better one;
7. On December 12, 2022, Furtado's counsel advised that they disagree that the Witness Summary is deficient;
8. No further and better witness summary has been provided;
9. The Witness Summary does not meet the requirements of the Rules and its deficiencies undermine the goal of a just, expeditious and cost-effective hearing;
10. While this motion is scheduled to be heard on June 2, 2023, this motion may be conducted in writing, as its only purpose is to deal with procedural matters. It would be more expeditious and cost-effective for this motion to proceed in writing;
11. Rules 1, 23(6), 27(3) and 28; and
12. Such further and other grounds as the Moving Party may advise and the Tribunal may permit.

C. EVIDENCE

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

13. The affidavit of Michelle Spain affirmed March 29, 2023; and
14. Such other evidence as counsel may advise and the Tribunal may permit.

DATED this 30th day of March, 2023

Ontario Securities Commission
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