

Motion

IN THE MATTER OF
AMIN ALI

File No. 202027

MOTION

For Stay / Dismiss of Sanctions issued by MFDA (Now SRO) Under Securities Act, RSO
1990, c S.5

A. ORDER SOUGHT

AMIN ALI, request(s) with notice, that the Tribunal Panel make the following order(s):

1. An order to **grant stay *sine die* on the sanctions** by the MFDA (now SRO) until such time tribunal completes hearing and review of the above case.
2. Alternatively, dismissal of the sanctions given the **absence of procedural error and denial to natural justice** without the ability of Amin Ali to meaningfully defend himself.
3. An order to **keep all aspects of hearing process confidential including sanctions** given the sensitive nature of personal information of Amin Ali. (Doctors report on request)
4. Such further and other relief as the Tribunal Panel deems just.

B. **GROUND**S for the motion are:

Background

1. On March 11, 2023, the MFDA issued sanctions against the Respondent:
 - a) The Respondent is permanently prohibited from conducting securities related business while in the employ of or in association with a Member of the MFDA, pursuant to section 24.1.1 of MFDA By-law No. 1.
 - b) The Respondent shall pay a fine in the amount of \$50,000 on the date of this Order, pursuant to section 24.1.1(b) of MFDA By-law No. 1; and
 - c) The Respondent shall pay costs in the amount of \$10,000 on the date of this Order, pursuant to section 24.2 of MFDA By-law No. 1.
2. The Respondent denies the allegations against him and request for an order for stay of the sanctions until the tribunal completes its hearing and review of the case.
3. This request is grounded in several key considerations. It is essential to ensure that Mr. Ali's rights are protected throughout the process of determining whether the allegations were valid and justified. Specifically, Mr. Ali was not provided with the opportunity to defend himself against the allegations meaningfully and was denied natural justice.
4. The sanctions were imposed on Amin Ali by the MFDA (now SRO) for alleged violations. However, there are significant questions regarding the fairness and procedural regularity of the proceedings that led to these sanctions.
5. The medical restrictions of Amin, who is unable to perform any tasks that require higher [REDACTED] functions due to [REDACTED]. Additionally, Amin is restricted from tasks that may cause [REDACTED]. As a result of these limitations, Amin is disqualified from participating meaningfully in complex [REDACTED] tasks such as a hearing of the merits.
6. Amin Ali is medically restricted to go through any proceeding like this, prepare, participate, or instruct his legal representative during the hearing process on the merits. In light of these limitations, any sanctions will be unjust.
7. **Granting a stay would not result in any harm to the public interest** or other parties involved. Instead, it would simply preserve the status quo until the tribunal has had an opportunity to consider all the evidence and render a decision.
8. The request is for the dismissal of the sanctions given the circumstances of absence of procedural error and denial to natural justice without the ability of Amin Ali to meaningfully defend himself. The grounds for this request are clear and compelling. It is

essential to protect Mr. Ali's rights and ensure that the sanctions were imposed fairly and in accordance with proper procedures.

9. Mr. Ali was denied the ability to defend himself against the allegations meaningfully. This was a serious violation of his rights, and it is essential that this be rectified. Dismissing the sanctions would be an appropriate remedy in this case, as it would restore Mr. Ali's rights and ensure that he is not unfairly penalized for alleged violations without an opportunity to defend himself.

10. The final request is for such further and other relief as the Tribunal Panel deems just. This is a standard request, intended to ensure that all appropriate remedies are available to the tribunal in considering this matter. The panel may consider additional factors, such as mitigating circumstances or evidence that was not previously available, in determining what relief is appropriate.

C. EVIDENCE

THE FOLLOWING evidence and materials will be relied upon at the hearing of the motion:

1. Notice of Hearing
2. Doctors report (on request)
3. Motion Records and evidence from the motions returnable August 31, 2021, and February 8, 2022;
4. Exhibits from the Hearing of the Merits.
5. Such further and other documents and evidence as the Applicant may advise.

DATED this 9th day of June 2023. 2450
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