



Capital
Markets
Tribunal

Tribunal des
marchés
financiers

22nd Floor
20 Queen Street West
Toronto ON M5H 3S8

22e étage
20, rue Queen ouest
Toronto ON M5H 3S8

**IN THE MATTER OF
TEKNOSCAN SYSTEMS INC., H. SAMUEL HYAMS, PHILIP KAI-HING KUNG
and SOON FOO (MARTIN) TAM**

File No. 2022-19

Adjudicators: Andrea Burke (chair of the panel)
James Douglas

November 8, 2023

ORDER

WHEREAS on November 7, 2023, the Capital Markets Tribunal held a hearing by videoconference to consider, among other things, a motion by H. Samuel Hyams to adjourn the start of the merits hearing in this proceeding, and a motion by TeknoScan Systems Inc. (**TeknoScan**), Philip Kai-Hing Kung and Soon Foo (Martin) Tam for an adjournment of the merits hearing and other relief;

ON READING the materials filed by the parties, and on hearing the submissions of the representatives for each of H. Samuel Hyams, TeknoScan, Kung and Tam, and the representative for Staff of the Ontario Securities Commission;

IT IS ORDERED, for reasons to follow, that:

1. pursuant to Rule 29(1) of the *Capital Markets Tribunal Rules of Procedure and Forms*, Hyams' motion for an adjournment is granted and the previously scheduled merits hearing dates of November 14, 15, 16 and 17 and December 7, 12, 14, 15 and 18, 2023, are vacated;
2. TeknoScan's, Kung's and Tam's motion is granted in part, and the August 3, 2023 order in this proceeding is varied such that by 4:30 p.m. on December 15, 2023, TeknoScan, Kung, Tam and Hyams shall:
 - a. serve Staff with a hearing brief containing copies of the documents, and identifying the other things, that each party intends to produce or enter as evidence at the merits hearing; and
 - b. provide to the Registrar a copy of the *E-Hearing Checklist*;
3. the August 3, 2023 order is also varied such that by 4:30 p.m. on January 22, 2024, each party shall provide to the Registrar the electronic documents that the party intends to rely on or enter into evidence at the merits hearing, along with

an index file containing hyperlinks to the documents in the hearing brief, in accordance with the *Protocol for E-hearings*;

4. a further attendance in this matter is scheduled for January 10, 2024, at 9:00 a.m., by videoconference, or on such other date and time as may be agreed to by the parties and set by the Governance & Tribunal Secretariat; and
5. additional merits hearing dates are scheduled for January 29, 30, 31 and April 2, 3, 4, 5, 8 and 9, 2024 at 10:00 a.m. on each hearing day, at the Capital Markets Tribunal located at 20 Queen Street West, 17th Floor, Toronto, Ontario, such that the merits hearing in this matter will commence on January 29, 2024 and continue on January 30 and 31, February 13, 15, 16, 20, 21, 22, 23, 26, 27, 28, and 29, and April 2, 3, 4, 5, 8 and 9, 2024, or on such other dates and times as may be agreed to by the parties and set by the Governance & Tribunal Secretariat.

"Andrea Burke"

Andrea Burke

"James Douglas"

James Douglas