

**ONTARIO SECURITIES COMMISSION**

Applicant

- and -

**EMERGE CANADA INC., LISA LANGLEY, DESMOND ALVARES, MARIE  
ROUNDING, MONIQUE HUTCHINS, AND BRUCE FRIESEN**

Respondents

**File No. 2025-7**

**NOTICE OF MOTION**

(Rule 32 of the *Capital Markets Tribunal Rules of Procedure*)

The respondents, Marie Rounding (“**Rounding**”) and Monique Hutchins (“**Hutchins**”) (collectively the “**Moving Respondents**”) will make a motion to the Tribunal on July 29, 2025 at 10:00am by video conference or on such other date and time as may be agreed to by the parties and set by the Governance & Tribunal Secretariat.

**A. ORDER SOUGHT**

The Moving Respondents, request with notice that the Tribunal make the following order:

- (a) An order amending paragraph 2 of its order made March 31, 2025 (the “**Initial Scheduling Order**”), such that the respondents shall have 60 days from the date on which the Ontario Security Commission (“**Commission**”) provides its additional disclosure to serve and file a motion, if any, regarding the Commission’s disclosure or seeking disclosure of additional documents; and
- (b) Such further and other relief and orders as counsel may advise and this Honourable Tribunal may deem appropriate.

## **B. GROUNDS**

The grounds for the motion are:

- (a) The Tribunal issued the Initial Scheduling Order on March 31, 2025.
- (b) The Initial Scheduling Order outlined customary steps to be completed by the parties at the commencement of a contested matter held before the Tribunal.
- (c) In paragraph 1 of the Initial Scheduling Order, the Commission was ordered to disclose to the respondents non-privileged, relevant documents and things in the Commission's possession or control by April 30, 2025 at 4:30 PM.
- (d) Following the making of the Initial Scheduling Order, the Moving Respondents reviewed the production by the Commission and wrote to the Commission on June 23, 2025 identifying certain populations of documents which appear to be omitted from disclosure.
- (e) In answering the Moving Respondents on June 24, 2025, the Commission advised for the first time that:

“I can further advise that the Commission intends to deliver a second tranche of disclosure with additional communications received by the Commission's contact centre.”
- (f) On June 27, 2025, the Moving Respondents requested details of this “second tranche” and sought to confirm the Commission's position with respect to the other apparent deficiencies they identified.
- (g) As of the date of this motion, the Commission has not provided any details regarding the “second tranche of disclosure”, including its size, content or timing.
- (h) Disclosure of the “second tranche” will now be more than two months after the deadline set by the Tribunal in the Initial Scheduling Order.

- (i) The Initial Scheduling Order required the respondents to serve and file any motion regarding the Commission's disclosure or seeking disclosure of additional documents by July 18, 2025.
- (j) In light of the Commission's failure to clearly confirm whether there are additional records responsive to the Moving Respondents' concerns and its express indication to deliver an undefined "second tranche of disclosure", it is just for the Tribunal to amend the deadline for the service and filing of a motion regarding disclosure by 60 days.
- (k) The Moving Respondents' inquiry as to whether the Commission would consent to relief made on June 27 has not been responded to.
- (l) It is just, expeditious and cost-effective for this motion to be heard during the already-scheduled video conference set for July 29, 2025 by the Initial Scheduling Order.
- (m) Rules 1, 3, 21, 28 and 32 of the *Capital Markets Tribunal Rules of Procedure*.
- (n) Sections 5.4, 15 and 16.2 of the *Statutory Powers and Procedure Act*, RSO 1990, c S 22.
- (o) Such further and other grounds as counsel may advise and the Tribunal may permit.

### **C. EVIDENCE**

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

1. The Initial Scheduling Order;
2. The Affidavit of Christopher Purdon, sworn on July 2, 2025 and the exhibits thereto.
3. Such further and other documentary evidence as counsel may advise and this Honorable Tribunal permits.

July 2, 2025

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