BETWEEN:

ONTARIO SECURITIES COMMISSION
(Applicant)

- and -

ROBERT GEORGE FREEMAN and PLOVER MILLS FARMS INC.
(Respondents)

File No. 2026-7

MOTION OF THE ONTARIO SECURITIES COMMISSION

(For Further and Better Witness Summaries Under Rule 28(3) of the Capital Markets Tribunal's *Rules of Procedure*)

A. ORDER SOUGHT

The Ontario Securities Commission (the **Commission**) seeks the following orders from the Capital Markets Tribunal (the **Tribunal**), on notice to the respondents:

1. An order that this motion be heard in writing;
2. An order requiring the respondents, Robert George Freeman (**Freeman**) and Plover Mills Farms Inc. (**Plover**) to deliver, within 10 calendar days of the Tribunal's decision on this motion, witness summaries for (i) Barb Mantz; (ii) Crystal Masse; (iii) John Smith; (iv) Richard Bain and (v) Sarah Watkin (collectively, the **Non-Respondent Witnesses**) and (vi) Freeman, that comply with Rule 28(3) and include:
    a. For each of the Non-Respondent Witnesses, the substance of the anticipated evidence in respect of each topic identified in paragraph 2 of the witness' summary;
    b. For each witness, identification of the specific documents the witness is expected to refer to in their evidence, whether or not those documents form part of the Commission's disclosure; and

c. For Freeman, the substance of the anticipated evidence referred to in paragraph 6 of his witness summary.

3. Such further and other orders as counsel may advise and the Tribunal may permit.

B. GROUNDS

The grounds for the motion are:

4. Rule 28(3) of the Capital Markets Tribunal's *Rules of Procedure* (the **Rules**) requires a party to disclose the substance of each witness's anticipated evidence and identify the documents to which the witness is expected to refer. The respondents' witness summaries do not comply with these requirements.
5. On July 14, 2026, the respondents served a witness list identifying six witnesses, including Freeman, together with witness summaries for each witness.
6. The witness summaries for the Non-Respondent Witnesses identify topics on which the witnesses are expected to give evidence but do not disclose the substance of the anticipated evidence in respect of those topics.
7. The witness summaries also fail to identify the specific documents to which the witnesses are expected to refer. Instead, they state only that the witnesses may refer to documents contained in the Commission's disclosure.
8. Freeman's witness summary states that he may respond to matters raised in the Commission's case but does not disclose the substance of that anticipated evidence.
9. On August 10, 2026, Commission counsel advised respondents' counsel in writing that the witness summaries did not comply with the Rules and invited the respondents to provide further and better summaries. The respondents did not respond.

10. On September 10, 2026, Commission counsel again advised respondents' counsel that the witness summaries were deficient, requested revised summaries and advised that the Commission intended to bring a motion if compliant summaries were not provided.
11. On September 15, 2026, respondents' counsel advised that the respondents were considering revisions to the witness summaries and expected to confirm whether revisions would be made “in the coming weeks.”
12. On September 17, 2026, Commission counsel requested a firm date for delivery of revised witness summaries, failing which the Commission would proceed with a motion. The respondents did not respond.
13. On October 27, 2026, Commission counsel requested confirmation by November 3, 2026, that revised witness summaries would be delivered by November 13, 2026.
14. On November 2, 2026, respondents' counsel advised that instructions were being sought but did not propose a date by which revised witness summaries would be served.
15. No revised or supplementary witness summaries have been served.
16. The merits hearing is scheduled to commence on February 10, 2027.
17. The respondents' witness summaries do not satisfy Rule 28(3). Their deficiencies impede the Commission's ability to understand the evidence the respondents intend to adduce, prepare for cross-examination, and address evidentiary issues in advance of the hearing. The requested order is therefore necessary to promote a fair, efficient and orderly hearing process consistent with the purposes of the Rules.
18. Rules 1, 28 and 32 of the Rules; and
19. Such further and other grounds as counsel may advise and the Tribunal may permit.

C. EVIDENCE

The Commission intends to rely on the following evidence for the motion:

20. The Affidavit of Rita Pascuzzi, to be affirmed.

21. Such further and other materials as counsel may advise and the Tribunal may permit.

November 4, 2026

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