



Ontario  
Securities  
Commission

Commission des  
valeurs mobilières  
de l'Ontario

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**IN THE MATTER OF THE *SECURITIES ACT*,  
R.S.O. 1990, c. S.5, as am. (“the Act”)**

**- and -**

**IN THE MATTER OF  
JOHN ILLIDGE, PATRICIA McLEAN, DAVID CATHCART,  
STAFFORD KELLEY and DEVENDRANAOUTH MISIR**

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**ORDER**

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**WHEREAS** a Motion to adjourn the date set for the hearing of this matter was made to the Ontario Securities Commission (the “Commission”) by Staff of the Commission (“Staff”) in writing on Monday, September 15, 2008;

**AND WHEREAS** the hearing in this matter is currently set for two weeks starting September 22, 2008;

**AND WHEREAS** settlement agreements between Staff and Stafford Kelley, John Illidge and Patricia McLean (“McLean”) have been approved by the Commission on May 12, 2008, May 15, 2008 and September 8, 2008 respectively;

**AND WHEREAS** settlement discussions between Staff and David Cathcart (“Cathcart”) broke down on September 12, 2008;

**AND WHEREAS** the hearing of this matter will proceed against Cathcart and Devendranauth Misir (“Misir”);

**AND WHEREAS** Cathcart is unrepresented and will be acting for himself;

**AND WHEREAS** Staff, Misir and Cathcart all consent to an order vacating the current hearing dates and adjourning this matter to December 8, 2008;

**AND WHEREAS** Counsel have been advised by the Office of the Secretary that only one of the days in the second week set for hearing (the week of September 29, 2008) will in fact be available for the hearing;

**AND WHEREAS** Counsel for Staff and for Misir and Cathcart agree that the time currently available starting September 22, 2008 is therefore insufficient for the hearing of this matter;

**AND WHEREAS** the Office of the Secretary to the Commission has indicated that two weeks beginning December 8, 2008 (excepting Tuesday December 9, 2008) is available for the hearing of this matter;

**AND WHEREAS** this period will be, at a minimum, sufficient for the calling of Staff's case;

**AND WHEREAS** Staff expect to call McLean as a witness in this matter but have not yet since her very recent settlement with Staff had an opportunity to complete an interview of McLean or to disclose the results of that interview to Cathcart and Misir;

**AND WHEREAS** Counsel for Misir has very recently indicated that he intends to call expert evidence on the issue of the authenticity of documents Staff proposes to tender which documents have not yet been examined;

**AND WHEREAS** Cathcart runs his own roofing business and desires a hearing date in the winter months;

**AND UPON** reading the notice of motion and the consents of Cathcart and Counsel to Misir;

**AND WHEREAS** it is in the public interest to make this order;

**IT IS HEREBY ORDERED THAT:**

1. The dates currently set for hearing are vacated; and,
2. The hearing of this matter shall commence on December 8, 2008 and continue for two weeks (excepting December 9, 2008), or on such other dates as are agreed by the parties and set by the Office of the Secretary.

Dated at Toronto this 16<sup>th</sup> day of September, 2008.

*"Suresh Thakrar"*

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Suresh Thakrar

*"David L. Knight"*

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David L. Knight, FCA

*"Carol S. Perry"*

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Carol S. Perry