



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 AMENDED**

- AND -

**IN THE MATTER OF EDA MARIE AGUECI, DENNIS WING, SANTO IACONO,
JOSEPHINE RAPONI, KIMBERLEY STEPHANY, HENRY FIORILLO,
GIUSEPPE (JOSEPH) FIORINI, JOHN SERPA, IAN TELFER,
JACOB GORNITZKI and POLLEN SERVICES LIMITED**

ORDER

(Rules 1.4 and 1.6(2) of the Commission's *Rules of Procedure* (2012), 35 O.S.C.B. 10071)

WHEREAS the Ontario Securities Commission (the "Commission") issued a Notice of Hearing pursuant to sections 127 and 127.1 of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the "Act") in connection with a Statement of Allegations filed by Staff of the Commission ("Staff") on February 7, 2012 against Eda Marie Agueci ("Agucci"), Dennis Wing ("Wing"), Santo Iacono ("Iacono"), Josephine Raponi ("Raponi"), Kimberley Stephany ("Stephany"), Henry Fiorillo ("Fiorillo"), Giuseppe (Joseph) Fiorini ("Fiorini"), John Serpa ("Serpa"), Jacob Gornitzki ("Gornitzki") (collectively, the "Individual Respondents"), Pollen Services Limited (together with the Individual Respondents, the "Respondents") and Ian Telfer;

AND WHEREAS on September 20, 2013, the Commission approved a settlement agreement between Staff and Ian Telfer;

AND WHEREAS on September 26, 2013, Staff filed an Amended Statement of Allegations against the Respondents;

AND WHEREAS following consideration of a preliminary motion, the merits hearing commenced on September 30, 2013, has continued over the course of 22 hearing dates, is ongoing and is currently scheduled to continue up to and including December 20, 2013 (the "Merits Hearing");

AND WHEREAS the panel is of the view that further dates are required for the Merits Hearing and invited the parties to make submissions on availability in 2014;

AND WHEREAS on November 1, 2013, Staff and counsel from various firms acting on behalf of Gornitzki, Wing, Iacono, Fiorillo and Fiorini, respectively, appeared and made submissions;

AND WHEREAS on November 1, 2013, counsel from various firms acting on behalf of Raponi, Stephany and Serpa, respectively, participated via teleconference and made submissions and counsel for Raponi advised the panel of availability for counsel acting on behalf of Agueci;

AND WHEREAS the Commission has considered the submissions of the parties and relevant factors including:

- (i) the importance of securing a just and expeditious determination of the important matters in issue;
- (ii) availability of counsel and the fact that many of the Respondents have indicated that they will not be participating in the evidentiary portion of the merits hearing, but would participate if there was a non-suit motion;
- (iii) at least four of the Individual Respondents are considering bringing non-suit motions; and
- (iv) the availability of the Commission and the panel;

AND WHEREAS the Commission is of the opinion that it is in the public interest to issue this order;

IT IS HEREBY ORDERED that:

1. Staff shall have until not later than December 12, 2013 to complete the evidentiary portion of its case for the Merits Hearing, including read-ins permitted by our oral ruling of October 1, 2013;
2. Each Individual Respondent shall disclose by December 16, 2013 at 10:00 a.m. whether he or she will undertake to testify at the Merits Hearing;
3. Staff's read-ins of excerpts of compelled testimony for the Individual Respondents who have not undertaken to testify shall begin on December 16, 2013 at 1:00 p.m.;

4. Notice of Motion of a non-suit, if any, and any filings required by Rule 3.2 of the Commission's *Rules of Procedure*, shall be filed and served electronically by January 3, 2014 at 4:00 p.m.;
5. Any Response to a non-suit motion shall be filed and served electronically by January 7, 2014 at 4:00 p.m.;
6. Any Reply to the non-suit motion Response, shall be filed and served electronically by January 9, 2014 at 4:00 p.m.;
7. Non-suit motions, if any, shall be heard on January 15 and 16, 2014 from 10:00 a.m. to 4:00 p.m.;
8. The Merits Hearing shall continue January 15, 16, 17, 20, 21, 22, 23, 24, 27, 30, 31, February 3, 4, 5, 6, 7, and March 3, 4, 5, 6, 7, 2014;
9. Staff's written closing submissions for the Merits Hearing shall be filed and served electronically by March 25, 2014 at 4:00 p.m.;
10. The Respondents' written closing submissions for the Merits Hearing shall be filed and served electronically by April 11, 2014 at 4:00 p.m.; and
11. The panel shall hear oral closing submissions of all participating parties in the Merits Hearing on April 28, 29 and 30, 2014 from 10:00 a.m. to 4:30 p.m.

DATED at Toronto this 8th day of November, 2013.

"Edward P. Kerwin"

Edward P. Kerwin

"Anne Marie Ryan"

Anne Marie Ryan

"Deborah Leckman"

Deborah Leckman