



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 NEWER TECHNOLOGIES LIMITED, RYAN PICKERING  
AND RODGER FREY**

**ORDER**

**(Subsection 127(1) and section 127.1)**

**WHEREAS** on December 4, 2012, 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 December 4, 2012 in respect of Newer Technologies Limited, Ryan Pickering and Rodger Frey (collectively, the “Respondents”);

**AND WHEREAS** the Respondents were served with the Notice of Hearing and Statement of Allegations on December 5, 2012;

**AND WHEREAS** the Notice of Hearing provided that a hearing would be held at the temporary hearing rooms of the Commission on January 11, 2013;

**AND WHEREAS** at the first attendance on January 11, 2013, Staff and counsel for Newer Technologies Limited and Ryan Pickering attended before the Commission;

**AND WHEREAS** Rodger Frey did not appear, however Staff indicated that Rodger Frey had contacted Staff to notify them that he was aware of the attendance but would not be present;

**AND WHEREAS** Staff requested that a confidential pre-hearing conference be scheduled, and counsel agreed;

**AND WHEREAS** the Commission ordered that a confidential pre-hearing conference take place on March 18, 2013 at 9:00 a.m.;

**AND WHEREAS** at the confidential pre-hearing conference on March 18, 2013, Staff and counsel for Newer Technologies Limited and Ryan Pickering, and counsel for Rodger Frey, attended and Staff requested that a further confidential pre-hearing conference be scheduled, and counsel agreed;

**AND WHEREAS** the Commission ordered that a confidential pre-hearing conference take place on July 9, 2013 at 10:00 a.m.;

**AND WHEREAS** at the confidential pre-hearing conference on July 9, 2013, Staff and counsel for Newer Technologies Limited and Ryan Pickering, and counsel for Rodger Frey, attended and Staff requested that dates for the hearing on the merits be scheduled, and counsel

agreed, and the Commission ordered that a confidential pre-hearing conference take place on January 30, 2014 at 10:00 a.m. and the hearing on the merits in this matter commence on March 17, 2014 at 10:00 a.m. and continue on March 18, 19, 20, 21, 24, and 26, 2014 at 10:00 a.m.;

**AND WHEREAS** on January 24, 2014, on the consent of the parties, the Commission ordered that the date of January 30, 2014 at 10:00 a.m. set for the confidential pre-hearing conference be vacated;

**AND WHEREAS** on January 30, 2014, Staff and counsel for Newer Technologies Limited and Ryan Pickering, and counsel for Rodger Frey, attended before the Commission by telephone conference to address a request by Newer Technologies Limited and Ryan Pickering to adjourn the commencement of the hearing on the merits to dates mutually agreeable to all the parties, and the Commission heard submissions of the parties. On the consent of all parties, the Commission ordered that:

1. The dates of March 17, 18, 19, 20, 21, 24, and 26, 2014 set for the hearing on the merits be vacated;
2. The hearing on the merits in this matter will commence on September 8, 2014, and will continue thereafter on September 10, 11, 12, and 15, 2014; and
3. A pre-hearing conference will be held on June 2, 2014 at 10:00 a.m.;

**AND WHEREAS** at the confidential pre-hearing conference on June 2, 2014, Staff and counsel for Newer Technologies Limited and Ryan Pickering, and counsel for Rodger Frey, attended, and Staff requested that a further confidential pre-hearing conference be scheduled, and counsel agreed;

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

**IT IS HEREBY ORDERED** that:

1. A pre-hearing conference will be held on August 13, 2014 at 12:00 p.m.; and
2. By the August 13, 2014 pre-hearing conference, the parties shall have served every other party with:
  - a. Witness lists and witness summaries; and
  - b. A draft index of documents for a proposed joint hearing brief.

**DATED** at Toronto this 2<sup>nd</sup> day of June, 2014.

*“Alan J. Lenczner”*

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