

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(Commercial List)**



**IN THE MATTER OF THE *SECURITIES ACT*,  
R.S.O. 1990, c. S.5 AS AMENDED**

THE HONOURABLE  
JUSTICE MESBUR

)  
) WEDNESDAY, THE 24<sup>TH</sup> DAY  
) OF DECEMBER, 2008  
)

BETWEEN:

**ONTARIO SECURITIES COMMISSION**

Applicant

- and -

**IN THE MATTER OF SEXTANT CAPITAL  
MANAGEMENT INC., SEXTANT CAPITAL GP INC.,  
and SEXTANT STRATEGIC OPPORTUNITIES HEDGE FUND L.P.**

Respondents

**APPLICATION UNDER  
Section 126(5) of the *Securities Act***

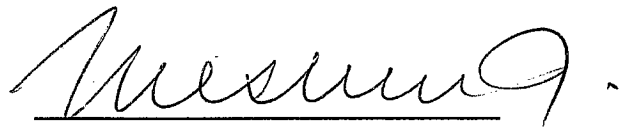
**ORDER**

**THIS APPLICATION** made by the Ontario Securities Commission (the "Commission") for an order confirming effective service of this Application and an order pursuant to section 126(5) of the *Securities Act*, R.S.O. 1990, c. S.5 continuing the

Direction to Newedge Canada Inc. as issued by the Commission on December 17, 2008 was heard this day at 330 University Avenue, Toronto, Ontario.

**ON READING** the Notice of Application, the affidavits of Trevor Walz sworn December 18 and 22, 2008, on being advised of that the Respondents take no position on this Application and that Otto Spork and Sextant Capital Management A Islandi EHF do not object to this Order,

1. **THIS COURT ORDERS** that the time for the service and filing of this Notice of Application is abridged such that service on the Respondents on December 22, 2008 constitutes effective service.
2. **THIS COURT ORDERS** that the Direction to Newedge Canada Inc. as issued by the Commission on December 17, 2008, attached hereto as Schedule "A", shall continue, as varied or revoked by the Commission, until February 4, 2008 or further order of this Court.
3. **THIS COURT ORDERS** that the hearing of this Application shall proceed in accordance with the timetable set out as Schedule "B" to this Order.

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ENTERED AT / INSCRIT A TORONTO  
ON / BOOK NO:  
LE / DANS LE REGISTRE NO.:

DEC 24 2008

PER / PAR:

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# SCHEDULE "A"



Ontario  
Securities  
Commission

Commission des  
valeurs mobilières  
de l'Ontario

P.O. Box 55, 19<sup>th</sup> Floor  
20 Queen Street West  
Toronto ON M5H 3S8

CP 55, 19<sup>e</sup> étage  
20, rue queen ouest  
Toronto ON M5H 3S8

**IN THE MATTER OF THE SECURITIES ACT  
R.S.O. 1990, c. S.5, AS AMENDED**

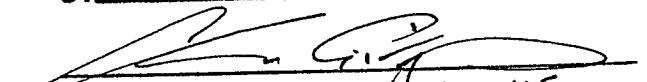
- and -

**IN THE MATTER OF SEXTANT CAPITAL  
MANAGEMENT INC., SEXTANT CAPITAL GP INC.,  
SEXTANT STRATEGIC OPPORTUNITIES HEDGE FUND L.P.,  
OTTO SPORK, ROBERT LEVACK AND NATALIE SPORK**

**DIRECTION  
Section 126(1)(a)**

**TO: The Manager  
Newedge Canada Inc.  
Exchange Tower  
Suite 580, P.O. Box 86  
130 King Street West  
Toronto, Ontario  
M5X 1B1  
ph. 416-640-7400**

**Certified to be a true copy.  
Dated at Toronto this 18<sup>th</sup> day  
of December, 2008**

  
**At Secretary, CHRISTOS GRIVAS  
Ontario Securities Commission.**

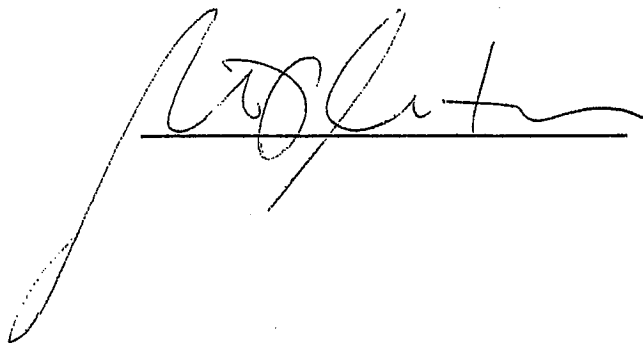
**TAKE NOTICE THAT** pursuant to paragraph 126(1)(a) of the *Securities Act*, R.S.O. 1990, c. S.5 (the "Act") you are directed to retain any funds, securities or property which you may have on deposit or under your control or for safekeeping in the name of the Sextant Strategic Hybrid<sup>2</sup> Hedge Resource Fund Offshore Ltd. and Sextant Strategic Global Water Fund Offshore Ltd. (the "Property") and hold them until the Ontario Securities Commission in writing revokes or varies this Direction or consents to release a particular fund, security or property from this Direction or until the Ontario Superior Court of Justice orders otherwise.

**AND TAKE FURTHER NOTICE THAT** this Direction applies to any and all funds, securities or property in a recognized clearing agency and to any and all securities in the process of transfer by a transfer agent.

**AND TAKE FURTHER NOTICE THAT** you are directed to accept sell orders only in respect of the Property and to continue to hold as cash any proceeds from any sales executed pursuant to such sell orders.

**AND TAKE FURTHER NOTICE THAT** this Direction may be served by fax or courier to the last known address of the parties named in this Direction in the records of Newedge Canada Inc.

**DATED** at Toronto this 17<sup>th</sup> day of December, 2008.

A handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be "A. J. ...".

## **SCHEDULE "B"**

- Responding materials to be delivered on or before **January 9, 2008**
- Reply materials, if any, to be delivered on or before **January 12, 2008**
- Cross-examinations to be completed by **January 16, 2008**
- Amended factum of the Application, if any, on or before **January 27, 2008**
- Facta of the Respondents and of Otto Spork and Sextant Capital Management A Islandi EHF to be delivered on or before **January 29, 2008**
- Application to be heard on **February 3, 2008**

COURT FILE NO. CV-08-7913-00CL

ONTARIO SECURITIES COMMISSION

- AND -

SEXTANT CAPITAL MANAGEMENT INC.,  
SEXTANT CAPITAL GP INC., AND  
SEXTANT STRATEGIC OPPORTUNITIES HEDGE FUND L.P.  
Respondents

Applicant

ONTARIO  
SUPERIOR COURT OF JUSTICE  
(Commercial List)

ONTARIO SECURITIES COMMISSION  
ORDER

Ontario Securities Commission  
20 Queen Street West  
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LSUC #45702F

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