

**IN THE MATTER OF**  
**CANADA CANNABIS CORPORATION, CANADIAN CANNABIS CORPORATION,**  
**BENJAMIN WARD, SILVIO SERRANO, and PETER STRANG**

File No. 2020-13

**APPLICATION**  
**OF SILVIO SERRANO**

(For Revocation or Variation of a Confidential Order of the Commission)  
Under s. 144 of the *Securities Act*, R.S.O. 1990, c. S. 5

**A. ORDER SOUGHT**

The Applicant, Mr. Silvio Serrano, requests that the Ontario Securities Commission make the following orders:

1. To the extent that the relief sought in the motion filed by the Applicant on April 29, 2020 (the “**Motion**”) is precluded by the terms of the Confidential Order, an order under s. 144 of the *Securities Act* revoking or varying the Confidential Order to allow for any or all of the relief sought on the Motion; and
2. Such further and other orders as counsel may advise and the Commission deems just.

**B. GROUNDS**

The grounds for the Application are:

1. Mr. Serrano repeats, adopts and relies upon the contents of his Motion Record filed with the Commission on April 29, 2020 (the “**Motion Record**”). All terms defined in the Motion Record shall have the same meaning herein unless otherwise stated.
2. In the Motion Record, Mr. Serrano seeks the following relief from the Commission (the “**Relief**”):
  1. An order requiring the Office of the Secretary to provide the Respondents with the Order (the “**Confidential Order**”) redacting the transcripts of the compelled interview of Benjamin Ward (the “**Transcripts**”), as well as any written decision or reasons of the Commission in support of the Confidential Order;

2. In the alternative to 1., an order requiring Staff to provide the Respondents with the Confidential Order and any written decision or reasons of the Commission in support of the Confidential Order;
3. An order requiring Staff to disclose to the Respondents any materials filed by Staff or any other parties on any motion or application to redact the Transcripts;
4. An order requiring Staff to disclose to the Respondents the date the Confidential Order was made;
5. An order requiring Staff to disclose to the Respondents the legal bases authorizing Staff and/or the Commission to redact portions of the Transcripts;
6. An order requiring Staff to disclose to the Respondents the statutory basis on which Staff sought the Confidential Order without notice to the Respondents;
7. An order requiring Staff to disclose to the Respondents the statutory bases on which the Confidential Order was made;
8. An order requiring Staff to disclose to the Respondents all information contained in or related to the Confidential Order that is not directly proscribed by its terms;

3. The Respondents are in a difficult position. Because Staff have refused to provide *any* information about the Confidential Order, it is impossible for the Respondents to determine whether the Relief, or any aspect of the Relief, is directly proscribed by the Confidential Order.

4. To the extent that the Relief cannot be granted on the Motion on account of the Confidential Order – and for the reasons set out in the Motion Record – Mr. Serrano brings this application to revoke or vary the Confidential Order under s. 144.

5. The Confidential Order should be varied or revoked to better accord with the principles of natural justice and procedural fairness, the Rules, and Staff's disclosure obligations. It is overbroad.

6. Any privilege protected by the Confidential Order should be protected in as minimally intrusive a fashion as possible. The Confidential Order should be varied so that the Respondents are provided with all information relating to the Confidential Order, the Redactions, and the Proceeding that does not absolutely compromise the privilege or other interest asserted by Staff (and presumably accepted by the Commission) to ground the Confidential Order.

7. The Commission should exercise its broad jurisdiction to control its process and craft an order that appropriately balances the Respondents' rights to make full answer and defence with Staff's (as yet unarticulated) interest.

### **Application and Motion to be Heard Together**

8. If the Commission determines that it is necessary for relief under s. 144 of the Act to be sought on this separate application, Mr. Serrano requests that this Application be heard on June 10, 2020 together with the Motion. This is necessary in the interests of ensuring a just, expeditious and cost-effective proceeding, in accordance with Rule 1 of the *Rules*.

9. Mr. Serrano relies on sections 6 and 25 of the *SPPA* and Rules 1, 3, 15, 17, 28, and 34 of the *Rules*.

### **C. EVIDENCE**

The Moving Party intends to rely on the following evidence for the motion:

1. The Affidavit of Erin Tucker, sworn April 29, 2020 and filed with the Commission as part of the Motion Record, and the exhibits thereto; and
2. Such further and other evidence as the lawyers may advise and the Commission may permit.

DATED this 1<sup>st</sup> day of May, 2020.

**ADAIR GOLDBLATT BIEBER LLP**

95 Wellington Street West  
Suite 1830, P.O. Box 14  
Toronto ON M5J 2N7

Simon Bieber (56219Q)

Tel: 416.351.2781

Email: sbieber@agbllp.com

Robert Stellick (73063L)

Tel: 416.596.9294

Email: rstellick@agbllp.com

Tel: 416.499.9940

Fax: 647.689.2059

Lawyers for the Moving Party,  
Silvio Serrano