



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 ("the Act")**

- and -

**IN THE MATTER OF BLUE GOLD HOLDINGS LTD., DEREK
BLACKBURN, RAJ KURICHH AND NIGEL GREENING**

**ORDER
(Section 127 of the Act)**

WHEREAS:

1. On March 11, 2015, the Ontario Securities Commission (the "Commission") issued a Notice of Hearing pursuant to sections 127 and 127.1 of the Act in relation to a Statement of Allegations filed by Staff of the Commission ("Staff") on March 11, 2015, to consider whether it is in the public interest to make certain orders against Blue Gold Holdings Ltd. ("Blue Gold"), Derek Blackburn ("Blackburn"), Raj Kurichh ("Kurichh"), and Nigel Greening ("Greening");
2. On April 1, 2015, the Commission issued an Amended Notice of Hearing with respect to the Respondents, which set a hearing in this matter for April 10, 2015 at 10:00 a.m.;
3. On April 10, 2015, Staff, counsel for Kurichh, George Schwartz as agent on behalf of Blackburn and on behalf of Blue Gold, and Greening personally attended;
4. On April 10, 2015, George Schwartz, as agent for Blackburn and Blue Gold, took the position that the Commission has no constitutional jurisdiction to proceed, declined the opportunity to bring a motion or

present submissions in that regard at this time, and then withdrew representation on behalf of Blackburn and Blue Gold;

5. On April 10, 2015, the Commission ordered that the respondents Blackburn and Blue Gold need not be served with any further documentation or notice of proceedings in this matter;
6. This matter was adjourned to a confidential pre-hearing conference on July 27, 2015;
7. On July 8, 2015, Staff requested an additional confidential pre-hearing conference to seek a determination in respect of the disclosure of documents by Greening;
8. On July 17, 2015 the Commission held a confidential pre-hearing conference which Staff attended in person, and Greening and counsel for Kurichh attended via teleconference;
9. The Panel heard submissions from Staff and the parties in attendance;
10. On July 17, 2015, the Commission ordered that by October 28, 2015, Staff:
 - a. serve on Greening and Kurichh (the "Participating Respondents") copies of all documents that Staff intends to produce or enter as evidence at the hearing on the merits;
 - b. serve on the Participating Respondents and file a list of witnesses Staff intends to call to testify at the hearing; and
 - c. serve on the Participating Respondents summaries of the evidence that Staff's witnesses are expected to give at the hearing;
11. On July 17, 2015, the Commission ordered that by October 28, 2015, each of the Participating Respondents:

- a. serve on Staff and the other Participating Respondent copies of all documents that the Participating Respondent intends to produce or enter as evidence at the hearing on the merits;
 - b. serve on Staff and the other Participating Respondent and file a list of witnesses the Participating Respondent intends to call to testify at the hearing; and
 - c. serve on Staff and the other Participating Respondent summaries of the evidence that the Participating Respondent's witnesses are expected to give at the hearing;
12. On July 17, 2015, the Commission ordered that the hearing on the merits in this matter will commence at 10:00 a.m. on April 18, 2016, and continue on April 20 to 22, 2016, or at such other time or times and such other dates as may be ordered by the Commission;
13. This matter was adjourned to a confidential pre-hearing conference on November 4, 2015;
14. On November 4, 2015 the Commission held a confidential pre-hearing conference which Staff attended in person, and Greening and counsel for Kurichh attended via teleconference;
15. The Panel heard submissions from Staff and the parties in attendance;
16. Counsel for Kurichh advised that Kurichh intends to bring a motion for disclosure ("Disclosure Motion");
17. On November 4, 2015 the Commission ordered that:
 1. By November 16, 2015 counsel for Kurichh will file and serve on each party a notice of motion accompanied by a motion record, in respect of the Disclosure Motion;

2. The Disclosure Motion shall be heard on January 8, 2016 at 10:00 a.m.;
and
3. By January 15, 2016, the Participating Respondents will:
 - a. serve on Staff and the other Participating Respondent copies of all documents that the Participating Respondent intends to produce or enter as evidence at the hearing on the merits;
and
 - b. serve on Staff and the other Participating Respondent summaries of the evidence that the Participating Respondent's witnesses are expected to give at the hearing.
18. This matter was adjourned to a confidential pre-hearing conference on January 22, 2016, at 9:00 a.m.
19. On December 3, 2015, at the request of one of the Participating Respondents, the Commission held a confidential pre-hearing conference which Staff attended in person and Greening and counsel for Kurichh attended via teleconference;
20. The Panel heard submissions from Staff and the parties in attendance;
21. On December 3, 2015 the Commission ordered that:
 1. By December 11, 2015 counsel for Kurichh will file and serve on each party a notice of motion accompanied by a motion record, in respect of the Disclosure Motion returnable on January 8, 2016 at 10:00 a.m.; and
 2. By January 4, 2016 Greening shall make any requests for additional disclosure if necessary;
22. On January 6, 2016 an adjournment was sought on consent of the moving party and the third parties and Staff not objecting, with respect to the Disclosure Motion;

23. Any return of the Disclosure Motion will not alter the dates scheduled for the hearing on the merits; and

24. The Commission is of the opinion that it is in the public interest to make this order.

IT IS ORDERED that:

1. The hearing of the Disclosure Motion scheduled to be heard on January 8, 2016 is adjourned *sine die* returnable, if necessary, to a date as agreed to by the parties and set by the Office of the Secretary.

DATED at Toronto this 7th day of January, 2016.

"Janet Leiper"

Janet Leiper

"Alan J. Lenczner"

Alan J. Lenczner

"Timothy Moseley"

Timothy Moseley