

2005 BCSECCOM 57

**Corporate Express Inc., also known as Corporate Express Club and
Corporate Express Club (CEC) 1988, Fortress International Ltd., Great
American Gold Ltd., John Thomas McCarthy and Cameron Willard
McEwan**

Section 161(1) of the *Securities Act*, RSBC 1996, c. 418

Hearing Conference

Panel	Brent W. Aitken Robert J. Milbourne Roy Wares	Vice Chair Commissioner Commissioner
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Date of Conference January 25, 2005

Date of Ruling January 26, 2005

Appearing

Douglas H. Christie For Cameron Willard McEwan

Mark L. Hilford For the Executive Director

Ruling

- ¶ 1 Yesterday we held a hearing conference to ensure the parties are prepared to resume the hearing as scheduled on February 28.
- ¶ 2 On November 29, 2004 we ruled (see 2004 BCSECCOM 680) that the Executive Director call Bryce Stewart as a witness. Stewart no longer resides in the jurisdiction, but is willing to testify. However, Stewart has told Commission staff counsel that “privilege and confidentiality” issues may affect his testimony.
- ¶ 3 For this reason, and because Stewart says he is not available for the first 10 of the 15 days set aside for the hearing, the Executive Director does not propose to call Stewart unless we direct otherwise.
- ¶ 4 McEwan objects to this proposal for the same reasons he argued in his submissions before our November ruling. He also says that because the court has dealt with the claim of privilege relating to the documents in Exhibit 28, he does not understand how privilege issues would limit Stewart’s testimony.

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- ¶ 5 We do not think the new information provided by the Executive Director is reason enough to alter our November ruling. Stewart's testimony is still the best evidence relating to Exhibits 28, 28A and 28B. We therefore direct the Executive Director to call Stewart as a witness. If Stewart refuses to answer questions because of privilege, we can deal with that at the hearing.
- ¶ 6 On other matters, Commission staff counsel says the Executive Director does not intend to enter any further evidence other than to call Pat Stojak (and, as a result of this ruling, Stewart). Counsel for McEwan says he intends to call 5 witnesses and will provide will-say statements for those witnesses to the Executive Director on or before February 3. McEwan's counsel reserves the right to call further witnesses if he considers it necessary as a result of the testimony of Stojak or Stewart.
- ¶ 7 The parties believe that the time currently set aside to complete the hearing is sufficient.
- ¶ 8 January 26, 2005
- ¶ 9 **For the Commission**

Brent W. Aitken
Vice Chair

Robert J. Milbourne
Commissioner

Roy Wares
Commissioner