

2006 BCSECCOM 587

Bryan Orr

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

Application

Panel	Brent W. Aitken Neil Alexander	Vice Chair Commissioner
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Date of application October 16, 2006

Date of ruling October 16, 2006

Appearing

Mark J. Braidwood Stuart Hankinson Rodney L. Hayley Marko Vesely	For Bryan Orr
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C. Paige Leggat	For the Executive Director
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Ruling

Introduction

- ¶ 1 This is our ruling on two applications:
- an application by Brian Orr that the hearing now scheduled to begin November 6, 2006 be adjourned, and
 - an application by the Executive Director for an order preventing Orr from calling expert evidence on the topics of suitability, leveraging, and the responsibilities of a mutual fund salesman.

Background

- ¶ 2 The parties agree that the 3 weeks currently set to hear this matter are not sufficient, and have revised their estimate to 6 weeks. Orr asks that the matter be adjourned to a time when the hearing could be held in one 6-week stretch. The Executive Director asks that we hear as much of the case as can be heard in the 3 weeks currently set aside in November, and set dates in 2007 for a resumption of the hearing.
- ¶ 3 The Executive Director says that the expert evidence that Orr intends to lead should not be admitted. Orr opposes this application.

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- ¶ 4 The hearing will begin as scheduled on November 6, 2006. We will hear as much of the Executive Director's case as can be entered in the 3 weeks currently set aside. We will then adjourn to dates to be set in 2007 to hear the conclusion of the Executive Director's case, followed by Orr's defence. We will set the 2007 dates at the conclusion of the hearing in November.
- ¶ 5 We defer our ruling on the admissibility of the expert evidence until we have the opportunity to review the report on which the expert is intended to testify.
- ¶ 6 October 16, 2006
- ¶ 7 **For the Commission**

Brent W. Aitken
Vice Chair

Neil Alexander
Commissioner