

British Columbia Securities Commission

Bezzaz Holdings Group Ltd. dba BGI Canada and BGI Investment (Bezzaz), Nexus Global Trading Ltd. dba Nexus Distribution Group (Nexus), Todd Norman John Bezzasso, Wei Kai Liao also known as Kevin Liao, and Fiorino Corsi

(collectively, the Respondents)

NOTICE OF APPLICATION

Name of Applicant: Wei Kai Liao also known as Kevin Liao

TO: British Columbia Securities Commission
12th Floor, 701 West Georgia Street
Vancouver, B.C. V7Y 1L2
Attention: Ann Gander, Secretary to the Commission

ON NOTICE TO: British Columbia Securities Commission
12th Floor, 701 West Georgia Street
Vancouver, B.C. V7Y 1L2
Attention: Mila Pivnenko and Deborah Flood, Counsel for the Executive Director

AND TO: Fiorino Corsi
c/o Narwal Litigation LLP
900 – 777 Hornby Street
Vancouver, B.C. V6Z 1S4
Attention: Joven Narwal

AND TO: Bezzaz Holdings Group Ltd. dba BGI Canada and BGI Investment (“Bezzaz”)
201 – 3035 Edgemont Boulevard
North Vancouver, B.C. V7R 2N5

AND TO: Nexus Global Trading Ltd. dba Nexus Distribution Group (“Nexus”)
2886 Euclid Ave.
Vancouver, B.C. V5R 5C1

AND TO: Todd Norman John Bezzasso
3640 Sable Ave.
Richmond, B.C. V7E 2A5
-and-
15 Macarthur Pl., Unit 1705

Santa Ana, CA
USA 92707-6768

TAKE NOTICE that an application will be made by the Applicant to the British Columbia Securities Commission at 701 West Georgia Street, Vancouver, B.C., on a date and time to be determined for the orders set out below.

1. An order that the hearing of this matter, currently scheduled to commence on May 27, 2019 for 15 days, be adjourned to a later date.

PART 2: FACTUAL BASIS

1. An Investigation Order in this matter was issued on December 21, 2015.

[Chen #1 at para. 2]

2. The Executive Director of the British Columbia Securities Commission (the "Executive Director") issued a Notice of Hearing in this matter on August 1, 2018, scheduling a hearing on September 11, 2018 to set the length and commencement date of the hearing in this matter.

[Chen #1 at para. 3]

3. At the September 11, 2018 hearing, the hearing of this matter was scheduled for 15 days, to commence on May 27, 2019.

[Chen #1 at para. 4]

4. On January 31, 2019, the parties, except Bezzaz, Nexus, and Mr. Bezzasso, attended a hearing management meeting (the "Meeting") before the Vice Chair of the Commission (the "Vice Chair").

5. At the Meeting:

- a) Ms. Pivnenko, counsel for the Executive Director, advised that there may be some supplemental disclosure by the Executive Director; and
- b) the Vice Chair fixed April 26, 2019 as the deadline for the Executive Director to deliver its reliance list, witness list, and will say statements to the Respondents

and the secretary to the Commission.

[Chen #1 at para. 5]

6. On April 26, 2019, in addition to the Executive Director's reliance list, witness list, and will-say statements, Ms. Pivnenko provided the Applicant's counsel with the Executive Director's additional disclosure ("Disclosure CD #3").

[Chen #1 at para. 6]

7. Disclosure CD #3 consisted of 185 new documents totaling just under 1100 pages.

[Chen #1 at para. 7]

8. A preliminary review of the Disclosure CD #3 documents reveals that at least part of the following kinds of documents are directly relevant to the allegations against the Applicant:

- a. Emails to and from the Applicant and other Respondents and investors;
- b. Emails between investors and Commission staff;
- c. Emails between Mr. Bezzasso and investors;
- d. Various investor schedules prepared by Commission staff; and
- e. Promissory notes related to investments.

9. The remainder of the documents are relevant to the Applicant's defence as they relate to the overall structure and organization of the enterprise set up by Mr. Bezzasso.

10. On May 3, 2019, Ms. Pivnenko provided the Applicant's counsel with the Executive Director's further additional disclosure ("Disclosure CD #4") which consisted of 13 new documents totaling 18 pages.

[Chen #1 at paras. 8 and 9]

11. Substantially all of the documents contained in Disclosure CD #4, which relate to

the investor Kelvin Wu, are directly relevant to the allegations against the Applicant.

12. Mr. Wu was interviewed by an investigator appointed by the Commission on May 18, 2016.

[Chen #1 at para. 10]

13. The Applicant is agreeable to resetting the hearing of this matter at the earliest date available.

LEGAL BASIS

1. The *Securities Act*, R.S.B.C. 1996, c. 418, does not specifically provide the principles to be applied in considering an application for adjournment. However, policy and procedure documents published by the Commission provide that, on an application for adjournment of a hearing, the Commission considers the circumstances, the fairness to all parties and the public interest in having matters heard and decided promptly.

British Columbia Securities Commission, *BC Policy 15-601 – Hearings*,
January 11, 2010, at page 9.

British Columbia Securities Commission, *Your Guide to Investigations and Hearings*,
February 27, 2007, at page 5 [*Guide*].

2. Full and timely disclosure of all evidence relevant to the case promotes fairness and efficiency in hearings.

Guide, at page 4.

3. The principles applied in considering adjournments of trials in civil matters provide further guidance on an application for an adjournment before the Commission.

4. In civil suits, the following principles are considered when deciding whether to order an adjournment:

- a. whether the request for the adjournment is reasonable;

- b. whether the request is timely;
- c. what prejudice the applicant for the adjournment order might suffer were the order not made;
- d. what prejudice an opponent might suffer were an adjournment is ordered;
- e. what arguments the opponent has against an adjournment; and
- f. the due administration of justice.

Dhillon v. Virk, 2014 BCSC 745, at paras. 8 -11 and 16.

5. When considering whether to order an adjournment of a trial, the paramount consideration must be whether, if an adjournment is not ordered, there will be a fair trial on the merits.

Timberland Industries Inc. v. Olma, [1984] B.C.J. No. 1953 (C.A.), at para. [13].

6. With reference to the aforementioned principles, the Applicant submits as follows:
 - a. The Applicant seeks an adjournment of the hearing in order to properly review the voluminous disclosure made by the Executive Director approximately one month before the scheduled hearing start date. In the circumstances, the Applicant's request is reasonable;
 - b. The Applicant received the second round of the late disclosure on May 3rd, 2019 and has brought this application promptly thereafter;
 - c. The late disclosure of new documents of significant volume is prejudicial to the Applicant in terms of adequate preparation for his defence such that the likelihood of a fair hearing on its merits may be jeopardized by the late voluminous disclosure;
 - d. The prejudice to the Executive Director in adjourning the hearing is the delay in deciding the matter promptly which can be minimized by resetting the hearing of this matter at the earliest available date.
7. The Applicant submits that the interests of fairness dictate that the prejudice to the Applicant, being a potentially unfair hearing, takes precedence over the prejudice

to the Executive Director caused by the delay in the adjudication of this matter. This is so especially because the Applicant is alleged to have committed fraud, which is a serious allegation. The onus is on the Executive Director to prove the case against the Applicant and to give notice to the Applicant of the case to be met against him, including full and timely disclosure of all evidence to be relied upon by the Executive Director.

PART 4: MATERIALS TO BE RELIED ON

1. Affidavit #1 of C. Chen sworn on May 9, 2019; and
2. Such other material as counsel may advise.

Dated at the City of Vancouver, Province of British Columbia, this 9th day of May, 2019.



Lisa Ridgedale/Scott Marescaux
Counsel for the Applicant
Wei Kai Liao also known as Kevin Liao

HAKEMI & RIDGEDALE LLP
1500 – 888 Dunsmuir Street
Vancouver, B.C. V6C 3K4