

VANCOUVER
OCT 09 2019
COURT OF APPEAL
REGISTRY

Court of Appeal File No.:

COURT OF APPEAL

CA 46425

BETWEEN:

The British Columbia Securities Commission and the Executive Director of the British Columbia Securities Commission

RESPONDENTS
(Tribunal/Plaintiffs)

AND:

BridgeMark Financial Corp., Jackson & Company Professional Corp.,
Anthony Kevin Jackson and Kootenay Zinc Corp.

APPELLANT
(Defendants)

Lukor Capital Corp., Justin Edgar Liu,
Rockshore Advisors Ltd. (formerly known as Cam Paddock Enterprises Inc.),
Cameron Robert Paddock,
Simran Singh Gill, JCN Capital Corp., John Rosarino Bevilacqua,
Essos Corporate Services Inc., Sway Capital Corp., Von Rowell Torres,
David Matthew Schmidt,
Detona Capital Corp., Danilen Villanueva, Natasha Jon Emami,
Altitude Marketing Corp., Ryan Peter Venier,
Platinum Capital Corp., 658111 B.C. Ltd., Jason Christopher Shull,
Tryton Financial Corp., Abeir Haddad,
Tavistock Capital Corp., Robert John Lawrence,
Jarman Capital Inc., Scott Jason Jarman,
Northwest Marketing and Management Inc., Aly Babu Husein Mawji,
Rufiza Babu Husein Mawji-Esmail, Denise Marie Trainor,
Randy White, Escher Invest SA, Hunton Advisory Ltd., Kendl Capital Limited,
1153307 B.C. Ltd., Russell Grant Van Skiver,
Bertho Holdings Ltd., Robert William Boswell,
Haight-Ashbury Media Consultants Ltd., Ashkan Shahrokhi,
Saiya Capital Corporation, Tara Kerry Haddad,
Keir Paul MacPherson,
Tollstam & Company Chartered Accountants, Albert Kenneth Tollstam,
727 Capital, David Raymond Duggan, Viral Stocks Inc., and 10X Capital
Cryptobloc Technologies Corp., New Point Exploration Corp.,
Green 2 Blue Energy Corp., BLOK Technologies Inc.,
Kootenay Zinc Corp., Affinor Growers Inc., Beleave Inc.,
Liht Cannabis Corp. (formerly known as Marapharm Ventures Inc.), PreveCeutical
Medical Inc.,

Speakeasy Cannabis Club Ltd., and Abattis Bioceuticals Corp.

RESPONDENTS
(Defendants)

AND:

Camp Fiorante Matthews Mogerman LLP

RESPONDENT
(Non-party Applicant)

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

Take notice that BridgeMark Financial Corp., Jackson & Company Professional Corp., Anthony Kevin Jackson and Kootenay Zinc Corp. (hereinafter "the Applicants") hereby apply for leave to appeal to the Court of Appeal for British Columbia from the decision of a hearing panel (the "Panel") of the British Columbia Securities Commission (hereinafter "the Commission") pronounced the 10th day of September, 2019, at Vancouver, British Columbia.

1. The appeal is from a:

- | | |
|---|---|
| <input type="checkbox"/> Trial Judgment | <input type="checkbox"/> Summary Trial Judgment |
| <input checked="" type="checkbox"/> Order of a Statutory Body | <input type="checkbox"/> Chambers Judgment |

2. If the appeal is from an appeal under Rule 18-3 or 23-6(6) of the Supreme Court Civil Rules or Rule 18-3 or 22-7(8) of the Supreme Court Family Rules, name the maker of the original decision, direction or order: N/A.

3. Please identify which of the following is involved in the appeal:

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Constitutional/Administrative | <input type="checkbox"/> Civil Procedure | <input type="checkbox"/> Commercial |
| <input type="checkbox"/> Family | <input type="checkbox"/> Motor Vehicle Accidents | <input type="checkbox"/> Municipal Law |
| <input type="checkbox"/> Real Property | <input type="checkbox"/> Torts | <input type="checkbox"/> Equity |
| <input type="checkbox"/> Wills and Estates | | |

And further take notice that the Court of Appeal will be moved at the hearing of this application for an order that:

1. This application be heard at the same time as any other application(s) for leave to appeal the Commission's decision pronounced September 12, 2019 and indexed as 2019 BCSECOMM 331 ("Decision");
2. The Respondent/Non-Party Applicant Camp Fiorante Matthews Mogerman LLP be denied access to the affidavit exhibits # 1 – 7 (the "Documents") filed in relation to the Executive Director's interlocutory applications for temporary orders (the "Interlocutory Applications");
3. The Applicants be given leave to adduce evidence for the purposes of the Appeal;
4. The Commission's Decision be stayed pending the determination of this Appeal; and
5. Costs of this proceeding be awarded to the Applicants.

The grounds of appeal are:

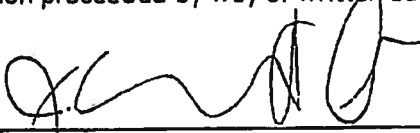
1. The Commission erred by:
 - a. failing to recognize that the primary issue in front of the panel was the applicability of the implied undertaking rule in respect of the Documents;
 - b. concluding that by filing the Documents the Executive Director was relieved from the implied undertaking otherwise applicable to that information;
 - c. concluding that the Implied undertaking was spent after the Documents were filed on the Interlocutory Applications;

- d. failing to ensure there were appropriate restrictions on the use of the Documents
- e. concluding that absent a confidentiality order, the Documents should be made available to the public;
- f. concluding that the mere act of filing the Documents in the Interlocutory Proceedings rendered the Affidavits public;
- g. granting Camp Fiorante Matthews Mogerma access to the Documents for a collateral purpose – namely, to advance class proceedings against the Applicants and others; and

2. Such other grounds as may be advised prior to the Hearing of the Leave to Appeal.

The application before the Securities Commission proceeded by way of written submissions.

Dated at Vancouver, British Columbia,
this 8th day of October, 2019



Solicitor for the Appellant
Patrick J. Sullivan and Jordanna Cytrynbaum

TO: the Respondent British Columbia Securities Commission

AND TO: its solicitor, Graham MacLennan, James Torrance and Nicholas Isaac

TO: The Respondent Executive Director

AND TO: its solicitors Graham MacLennan, James Torrance and Nicholas Isaac

TO: the Respondents, Lukor Capital Corp. and Justin Edgar Liu

AND TO: their solicitors, J. Ken McEwan, Q.C., Laesha Smith and William Stransky

TO: the Respondents, Rockshore Advisors Ltd. (formerly known as Cam Paddock Enterprises Inc.) and Cameron Robert Paddock

AND TO: its solicitor, Andrew Crabtree

TO: the Respondent, Simran Singh Gill

AND TO: its solicitor, Patricia A.A. Taylor

TO: the Respondent, JCN Capital Corp. and John Rosario Bevilacqua

AND TO: its solicitors, Peter Senkpiel and Emily Hansen

TO: the Respondents, New Point Exploration Corp., Cryptobloc Technologies Corp., Tavistock Capital Corp., Robert John Lawrence, Sway Capital Corp., Jason Christopher Shull, Platinum Capital Corp., 658111 B.C. Ltd., Robert William Boswell, Bertho Holdings Ltd., David Matthew Schmidt, BLOK Technologies Inc. and Abattis Bioceutical Corp.

AND TO: its solicitors, H. Roderick Anderson and Daniel Yaverbaum

TO: the Respondents, Von Rowell Torres and Essos Corporate Services Inc.

AND TO: its solicitors, Tam Boyar, Samantha Arrandale and Jessica Lithwick

TO: the Respondents, Detona Capital Corp. and Danilen Villanueva

AND TO: its solicitors, Sean K. Boyle, Alexandra Luchenko and Jenna Green

TO: the Respondents, Altitude Marketing Corp., Ryan Peter Venier, Tollstam & Company Chartered Accountants and Albert Kenneth Tollstam

AND TO: its solicitors, Lisa Ridgedale and Scott Marescaux

TO: the Respondents, Tryton Financial Corp., Saiya Capital Corporation, Abeir Haddad and Tara Kerry Haddad

AND TO: its solicitors, Brigeeta Richdale and Jessica Lewis

TO: the Respondents, Jarman Capital Inc. and Scott Jason Jarman

AND TO: its solicitor, Shane D. Coblin

TO: the Respondents, Northwest Marketing and Management Inc., Denise Marie Trainor, Aly Babu Husein Mawji and Rufiza Babu Husein Mawji-Esmail

AND TO: its solicitor, Abbas Sabur

TO: the Respondents, Randy White, Escher Invest SA, Hunton Advisory Ltd. and Kendl Capital Limited

AND TO: its solicitor, Teresa M. Tomchak

TO: the Respondents, 1153307 B.C. Ltd. and Russell Grant Van Skiver
AND TO: its solicitor, Harveen Thauli
TO: the Respondents, Haight-Ashbury Media Consultants Ltd. and Ashkan Shahrokhi
AND TO: its solicitor, Ronald Josephson
TO: the Respondents, David Raymond Duggan, Viral Stocks Inc., 727 Capital and 10X Capital
AND TO: its solicitors, David P. Church, Q.C. and Jake Zhong
TO: the Respondents, Green 2 Blue Energy Corp. and Affinor Growers Inc.
AND TO: its solicitors, Desmond M. Balakrishnan, Sasa Jarvis and Katherine Reilly
TO: the Respondent, Beleave Inc.
AND TO: its solicitors, Alan P. Gardner and Christopher Gibson
TO: the Respondent, Liht Cannabis Corp. (formerly known as Marapharm Ventures Inc.)
AND TO: its solicitor, Samuel K. A. Osei
TO: the Respondent, PreveCeutical Medical Inc.
AND TO: its solicitors, Jonathon C. Lotz, Nikki Graham, R. Barry Fraser and Cameron Rempel
TO: the Respondent, Speakeasy Cannabis Club Ltd.
AND TO: its solicitor, Steve Warnett
TO: Camp Fiorante Matthews Mogerman LLP
AND TO: its solicitor Reldar Mogerman

This Notice of Leave to Appeal is given by the Appellant Applicant, whose address for service is

Whitelaw Twining Law Corporation
2400 – 200 Granville Street
Vancouver, BC V6C 1S4
Tel. 604-682-5466
Fax 604-682-5217
Attn: Jordanna Cytrynbaum and Patrick J. Sullivan

To the Respondents:

IF YOU INTEND TO PARTICIPATE in this proceeding, YOU MUST GIVE NOTICE of your intention by filing a form entitled "Notice of Appearance" (Form 2 of the Court of Appeal Rules) in a Court of Appeal registry and serve the notice of appearance on the appellant WITHIN 10 DAYS of receiving this Notice of Application for Leave to Appeal.

IF YOU FAIL TO FILE A NOTICE OF APPEARANCE

- (a) you are deemed to take no position on the application, and
- (b) the parties are not obliged to serve you with any further documents related to the application.

The filing registries for the British Columbia Court of Appeal are as follows:

Central Registry:

B.C. Court of Appeal
Suite 400, 800 Hornby Street
Vancouver, BC V6Z 2C5

Other Registries:

B.C. Court of Appeal
The Law Courts
P.O. Box 9248 STN PROV GOVT
850 Burdett Avenue
Victoria, BC V8W 1B4

B.C. Court of Appeal
223 – 455 Columbia Street
Kamloops, BC V2C 6K4

Inquiries should be addressed to (604) 660-2468

Fax filings: (604) 660-1951