

VANCOUVER
SEP 16 2019
COURT OF APPEAL
REGISTRY
BETWEEN

Court of Appeal File No. 45477

IN THE COURT OF APPEAL FOR BRITISH COLUMBIA

British Columbia (Securities Commission)
and the Executive Director of the British Columbia Securities Commission

Respondents

AND:

Garo Aram Deyrmenjian

Appellant

AMENDED NOTICE OF APPLICATION FOR LEAVE TO APPEAL

Take notice that Appellant, Garo Aram Deyrmenjian, hereby applies for leave to appeal to the Court of Appeal for British Columbia from the order of the British Columbia Securities Commission pronounced the 25th day of April, 2018 and the 11th day of March, 2019, at Vancouver, British Columbia.

1. The appeal is from a:
 Trial Judgment Summary Trial Judgment
 Order of a Statutory Body Chambers Judgment
2. If the appeal is from an appeal under Rule 18-3 or 23-6 (8) 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:
3. Please identify which of the following is involved in the appeal:
 Constitutional/Administrative Civil Procedure Commercial
 Family Motor Vehicle Accidents Municipal Law
 Real Property Torts Equity
 Wills and Estates

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

1. The Appellant has leave to appeal from the order of the British Columbia Securities Commission pronounced April 25, 2018 finding that the Appellant Garo Aram Deyrmenjian contravened s. 57(a) of the *Securities Act*, RSBC 1996, c. 418;
2. ~~The proceedings before the British Columbia Securities Commission in relation to sanctions against the Appellant be stayed pending the hearing of an appeal from the April 25, 2018 Order;~~

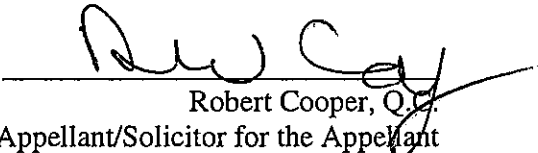
3. The Appellant has leave to appeal from the sanctions orders of the British Columbia Securities Commission pronounced March 11, 2019 that:
- a. Under s. 161(1)(d)(i) of the *Securities Act*, the Appellant resign any position he holds as a director or officer of an issuer or registrant;
 - b. Under ss. 161(1)(b) to (d) of the *Securities Act*, the Appellant is permanently prohibited from trading in or purchasing any securities or exchange contracts; from relying on any of the exemptions set out in the *Act*, the regulations or a decision; from becoming or acting as a director or officer of any issuer or registrant; from becoming or acting as a registrant or promoter; from acting in a management or consultative capacity in connection with activities in the securities market; and from engaging in investor relations activities;
 - c. The Appellant pay to the Commission \$7.14 million pursuant to section 161(1)(g) of the *Securities Act*; and,
 - d. The Appellant pay to the Commission an administrative penalty of \$700,000 under s. 162 of the *Securities Act*; and,
4. Costs of this proceeding be awarded to the Appellant.

The grounds of appeal are:

1. The Securities Commission made errors of fact in making findings without an evidentiary basis; and;
2. The Securities Commission made errors of law in its imposition of sanctions against the Appellant.

The hearing of ~~this~~ the liability proceeding occupied 4 days and the hearing of the sanctions proceeding occupied 1 day.

Dated at Vancouver, British Columbia, this ~~27th day of July, 2018~~ 16th day of September.


Robert Cooper, O.C.
Appellant/Solicitor for the Appellant

To the respondents: British Columbia Securities Commission and the Executive Director of the British Columbia Securities Commission

And to its solicitor: Derek Chapman

This Notice of Leave to Appeal is given by Garo Aram Deyrmenjian whose address for service is 900-980 Howe Street, Vancouver, BC V6Z 0C8

To the respondent(s):

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 Ave
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