

VANCOUVER
MAY 25 2010
COURT OF APPEAL
REGISTRY

CA 45311

Court of Appeal File No. _____

COURT OF APPEAL

BETWEEN:

EUROHELVETIA TRUSTCO S.A. also known as EHT CORPORATE SERVICES
S.A., and DAVID CRAVEN

Appellants

AND:

BRITISH COLUMBIA SECURITIES COMMISSION and EXECUTIVE DIRECTOR of the
BRITISH COLUMBIA SECURITIES COMMISSION

Respondents

NOTICE OF APPLICATION FOR LEAVE TO APPEAL

Take notice that EuroHelvetia TrustCo. S.A. also known as EHT Corporate Services S.A. ("EHT") and David Craven (collectively, "the Appellants") hereby apply 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 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 an Order(s) that:

1. The Decision by a Hearing Panel of the British Columbia Securities Commission (the Panel) dated April 25, 2018 be overturned and struck. In particular, the Decision:
 - a. that the Applicants contravened section 57(a) of the British Columbia *Securities Act*, RSBC 1996, c. 418 (the "Securities Act");

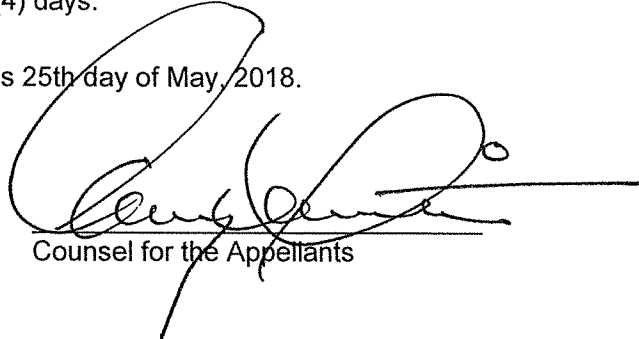
- b. that the British Columbia Securities Commission had jurisdiction over the Appellants, or that there was a real and substantial connection between British Columbia and any of the Appellants' alleged conduct; and,
 - c. that the Appellants pay costs of the proceedings.
2. Alternatively, the matter should be remitted back to a Panel to consider the allegations on the basis of a proper evidentiary foundation; and,
 3. The Applicant EHT be given leave to adduce evidence for the purposes of the Appeal.

The proposed grounds of appeal are:

1. The principles of Natural Justice and the common law evidentiary rules were breached in the manner in which the Executive Director of the British Columbia Securities Commission proceeded against the Applicants. All of the evidence proffered by the Executive Director at the Hearing was in the form of the *viva voce* testimony of Commission Investigator Sammy Wu, with hundreds of documents collected by Wu during his investigation entered as Exhibits in bulk. Lacking any direct knowledge of his own about any of the facts (facts from which the Hearing Panel apparently made inferences in reaching its Decision), Wu's testimony, and the documents the Hearing Panel allowed to be entered as Exhibits, constitute inadmissible hearsay;
2. The Hearing Panel did not have the jurisdiction under the *Securities Act* to make the Orders against either of the Applicants, who are domiciled in Switzerland, and lack any real or substantial connection with the capital markets of British Columbia and its citizens;
3. The Hearing Panel erred in law and principle, or in the alternative was clearly wrong, in finding that the Applicants contravened section 57(a) of the *Securities Act*;
4. The Reasons issued by the Hearing Panel on April 25, 2018 do not reveal on what bases the Hearing Panel found that the Applicants had contravened section 57(2) of the *Securities Act*; and,
5. Such other grounds as may be advised prior to the Hearing of the Application seeking Leave to Appeal.

The Hearing of this proceeding took four (4) days.

Dated at Vancouver, British Columbia, this 25th day of May, 2018.



Counsel for the Appellants

This Notice of Leave to Appeal is given by EHT and David Craven,
whose address for service is:

c/o Taylor Veinotte Sullivan
Barristers
#502 – 1168 Hamilton Street
Vancouver, BC V6B 2S2
(Attention: Carey D. Veinotte)

To the Respondent: British Columbia Securities Commission

To the Respondent: Executive Director of the British Columbia Securities
Commission
And his Counsel: Derek Chapman and David Hainey

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