



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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**IN THE MATTER OF THE *SECURITIES ACT*,
R.S.O. 1990, c. S.5, as amended**

- and -

**IN THE MATTER OF YORK RIO RESOURCES INC., BRILLIANTE BRASILCAN
RESOURCES CORP., VICTOR YORK, ROBERT RUNIC, GEORGE SCHWARTZ,
PETER ROBINSON, ADAM SHERMAN, RYAN DEMCHUK, MATTHEW OLIVER,
GORDON VALDE AND SCOTT BASSINGDALE**

**ORDER
(Section 152 of the *Securities Act*)**

WHEREAS on March 2, 2010 a Notice of Hearing and Statement of Allegations were issued against York Rio Resources Inc., Brilliante Brasilcan Resources Corp., Victor York, Robert Runic, George Schwartz, Peter Robinson, Adam Sherman, Ryan Demchuk, Matthew Oliver, Gordon Valde and Scott Bassingdale (the “Proceedings”);

AND WHEREAS on March 21, 2011, Staff of the Commission (“Staff”) brought a motion seeking the direction of the Ontario Securities Commission (the “Commission”) authorizing Staff’s application to the Ontario Superior Court of Justice for an Order appointing a person to take the evidence outside of Ontario of Wayne Koch and Robert Palkowski (the “BC Witnesses”);

AND WHEREAS the BC Witnesses have relevant evidence to provide at the hearing of the Proceedings;

AND WHEREAS on March 21, 2011, the Commission ordered that Staff may make an application to the Ontario Superior Court of Justice for an Order pursuant to section 152 of the *Securities Act*, R.S.O. 1990, c.S.5, as amended (the “Act”);

AND WHEREAS on April 15, 2011, Staff brought an application to the Ontario Superior Court of Justice and obtained an order pursuant to section 152 of the Act that:

- (a) Vern Krishna and Edward Kerwin are appointed as Commissioners to take the evidence outside of Ontario of Wayne Koch and Robert Palkowski for use in [the Proceedings] before [the Commission];
- (b) the examinations of Wayne Koch and Robert Palkowski (the “Examinations”) shall take place in Vancouver during the week of May 2, 2011, or at such other time no later than May 9, 2011 as may be ordered by the Supreme Court of British Columbia;
- (c) the procedural and evidentiary rules of Ontario will apply to the Examinations to the extent permissible by the laws of British Columbia;
- (d) the Examinations shall be conducted via video and audio link to the [Commission]’s hearing room so that the Commissioners sitting in Toronto, are able to observe and participate in the Examinations and make any required evidentiary rulings; and
- (e) the Registrar prepare and issue a Letter of Request addressed to the judicial authorities of the British Columbia Supreme Court requesting the issuing of such process as is necessary to compel Wayne Koch and Robert Palkowski to attend and be examined before the Commissioners.

AND WHEREAS on May 3, 2011, the Proceedings were adjourned by the Commission to June 6, 2011;

IT IS HEREBY ORDERED THAT Staff may make an application to the Ontario Superior Court of Justice to vary the April 15, 2011 order of that court such that the Examinations shall take place in Vancouver on June 6, 2011 or such other date as advised by Staff of the Commission;

Dated at Toronto this 10th day of May, 2011.

“Vern Krishna”

“Edward P. Kerwin”

Vern Krishna, Q.C.

Edward P. Kerwin