



Ontario  
Securities  
Commission

Commission des  
valeurs mobilières  
de l'Ontario

P.O. Box 55, 19<sup>th</sup> Floor  
20 Queen Street West  
Toronto ON M5H 3S8

CP 55, 19e étage  
20, rue queen ouest  
Toronto ON M5H 3S8

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**IN THE MATTER OF THE *SECURITIES ACT*,  
R.S.O. 1990, c. S.5, AS AMENDED**

**- AND -**

**GLOBAL ENERGY GROUP, LTD., NEW GOLD LIMITED PARTNERSHIPS,  
CHRISTINA HARPER, VADIM TSATSKIN, MICHAEL SCHAUER, ELLIOT  
FEDER, ODED PASTERNAK, ALAN SILVERSTEIN, HERBERT GROBERMAN,  
ALLAN WALKER, PETER ROBINSON, VYACHESLAV BRIKMAN, NIKOLA  
BAJOVSKI, BRUCE COHEN and ANDREW SHIFF**

**ORDER  
(Section 127 of the *Securities Act*)**

**WHEREAS** on June 8, 2010, the Commission issued a Notice of Hearing pursuant to sections 37, 127 and 127.1 of the *Securities Act*, R.S.O. 1990, c. S.5, as amended (the “Act”) accompanied by a Statement of Allegations dated June 8, 2010, issued by Staff of the Commission (“Staff”) with respect to Global Energy Group, Ltd. (“Global Energy”), New Gold Limited Partnerships, (“New Gold”), Christina Harper (“Harper”), Michael Schauer (“Schauer”), Elliot Feder (“Feder”), Vadim Tsatskin (“Tsatskin”), Oded Pasternak (“Pasternak”), Alan Silverstein (“Silverstein”), Herbert Groberman (“Groberman”), Allan Walker (“Walker”), Peter Robinson (“Robinson”), Vyacheslav Brikman (“Brikman”), Nikola Bajovski (“Bajovski”), Bruce Cohen (“Cohen”) and Andrew Shiff (“Shiff”) (collectively, the “Respondents”);

**AND WHEREAS** the Notice of Hearing stated that a hearing would be held at the offices of the Commission on June 14, 2010;

**AND WHEREAS** on June 14, 2010, Staff confirmed that the Commission had received the affidavit of Kathleen McMillan sworn June 11, 2010, which indicated that service of the Notice of Hearing and Statement of Allegations was attempted on all Respondents personally, electronically, through their counsel or at their last known address;

**AND WHEREAS** on June 14, 2010, upon hearing submissions from Staff and counsel for Feder, the hearing was adjourned to September 1, 2010;

**AND WHEREAS** on August 18, 2010, Harper brought a motion pursuant to Rule 3 of the Commission's *Rules of Procedure* (2009), 32 O.S.C.B. 1991 ("**Rules**"), seeking the following relief: (i) that her name be struck from the style of cause in the proceeding; (ii) that she be given immunity as a victim in this matter; and (iii) that the Commission "close the book on any potential form of future prosecution" against her in relation to this matter;

**AND WHEREAS** on August 27, 2010, a hearing was held before the Commission to consider the Motion;

**AND WHEREAS**, on August 27, 2010, after considering the oral submissions of Harper and counsel for Staff, the Commission ruled that it would not be in the public interest to grant the Motion, considering that:

- (i) Harper's submissions can best be considered by the Panel dealing with the hearing on the merits in this matter, at which time Harper will have an opportunity to challenge all of Staff's allegations, to cross-examine Staff's witnesses, and to bring evidence forward about how she viewed her role in the events at issue in this matter;
- (ii) should the Panel dealing with the hearing on the merits find that Staff's allegations against Harper have been sustained, Harper will have an opportunity, at a sanctions and costs hearing, to bring evidence forward about the effect of the events at issue on her subsequent health;
- (iii) the Statement of Allegations and Notice of Hearing, dated June 8, 2010, do not list Harper's name first on the style of cause; and
- (iv) it is not legally possible for a Panel of the Commission to grant the forward-looking immunity sought by Harper;

**AND WHEREAS** on September 1, 2010, upon hearing the submissions of Staff, Shiff, counsel for Feder, counsel for Robinson and counsel for Pasternak, Walker and Brikman, it was ordered that the hearing be adjourned to November 8, 2010, at 10:00 a.m. for a pre-hearing conference;

**AND WHEREAS** on November 5, 2010, a settlement agreement between Staff and Robinson was approved by the Commission;

**AND WHEREAS** on November 8, 2010, upon hearing the submissions of Staff, Schaumer, Shiff, Silverstein, and counsel for Pasternak, Walker and Brikman, it was ordered that the hearing be adjourned to December 7, 2010 at 2:30 p.m. to continue the pre-hearing conference;

**AND WHEREAS** on December 7, 2010, upon hearing submissions from Staff, Schaumer, Silverstein, counsel for Pasternak, Walker and Brikman, and an agent for counsel for Feder, it was ordered that the hearing be adjourned to February 16, 2011 at 2:00 p.m. to set dates for the hearing on the merits and that Staff renew efforts to obtain an effective address for service on Bajovski and Cohen;

**AND WHEREAS** on February 16, 2011, upon hearing submissions from Staff, Schaumer, Shiff and counsel for Feder, it was ordered that the hearing be adjourned to May 3, 2011 at 10:00 a.m. for a pre-hearing conference to set the dates for the hearing on the merits, and that Staff would renew efforts to obtain an effective address for service on Bajovski and Cohen;

**AND WHEREAS** on May 3, 2011, it was ordered that the hearing on the merits shall commence on January 18, 2012 at 10:00 a.m., and shall continue on January 19, 20, 23, 24, 25, 26, 27 and 30, 2012 and February 1, 2, 3, 6, 7, 8, 9, and 10, 2012;

**AND WHEREAS** on May 3, 2011, it was further ordered that the parties attend before the Commission on July 11, 2012 at 10:00 a.m., for a status hearing;

**AND WHEREAS** on July 11, 2011, it was ordered that the parties attend before the Commission on September 26, 2011 at 10:00 a.m. for a status hearing, and for the hearing of a proposed motion by Harper;

**AND WHEREAS** on September 1, 2011, the Commission approved settlement agreements between Staff and each of Pasternak, Walker and Brikman;

**AND WHEREAS** on September 26, 2011, Harper brought a motion pursuant to Rule 3 of the Commission's Rules, seeking substantively similar relief as that sought in her August 18, 2010, motion;

**AND WHEREAS**, on September 26, 2011, after considering Harper's motion materials, Staff's written submissions and the oral submissions of Harper and counsel for Staff, it was the

Commission's opinion that it would not be in the public interest to grant the Motion, considering that:

- (i) the Commission was not satisfied that it is in the public interest to vary or revoke the August 2010 Motion Order or the Temporary Order as requested by Harper in the September 2011 Motion; and
- (ii) Harper's submissions can best be considered by the Panel dealing with the hearing on the merits, at which time Harper will have an opportunity to respond to all of Staff's allegations in this matter;

**AND WHEREAS** on November 28, 2011, the Commission approved a settlement agreement between Staff and Silverstein;

**AND WHEREAS** on November 29, 2011, the Commission approved a settlement agreement between Staff and Schaumer;

**AND WHEREAS** on December 15, 2011, the Commission advised the parties that the following hearing dates would be vacated: January 18 to 20, 27, and February 9 and 10, 2012;

**AND WHEREAS** on January 20, 2012, the Commission approved a settlement agreement between Staff and Feder;

**AND WHEREAS** on January 23, 2012, the hearing of the merits commenced with Shiff and counsel for Staff in attendance, no other Respondents attending despite being given notice (the "Merits Hearing");

**AND WHEREAS** at the commencement of the Merits Hearing Staff issued an Amended Statement of Allegations;

**AND WHEREAS** on February 2, 2012, Staff provided the Commission with the Affidavit of Charlene Rochman, affirmed February 2, 2012, outlining communications between Harper and Staff concerning Harper's intention to participate in the Merits Hearing;

**AND WHEREAS** on February 3, 2012, counsel for Staff advised that on the evening of February 2, 2012, Harper sent an email to Staff stating that she would not attend the Merits Hearing on February 3, 2012, and that she had retained counsel that day and needed to meet with counsel in the following week;

**AND WHEREAS** Harper did not attend the Merits Hearing on February 3, 2012;

**AND WHEREAS** the evidentiary portion of the Merits Hearing is not scheduled to continue beyond February 8, 2012, leaving only final legal submissions from the parties;

**AND WHEREAS** it is the opinion of the Commission that it is in the public interest to make this order;

**IT IS ORDERED** that:

1. Harper is to provide the Office of the Secretary the name and contact information of her counsel no later than February 10, 2012;
2. Harper, or her counsel, is to provide the Office of the Secretary, no later than February 17, 2012, the dates up to April 30, 2012, on which Harper, or her counsel, would be available to attend a continuation of the Merits Hearing; and
3. If the requested information is not provided to the Office of the Secretary in accordance with this Order, the Merits Hearing will resume after February 8, 2012, for the purpose of hearing final submissions from the parties.

**DATED** at Toronto this 7<sup>th</sup> day of February, 2012.

*“Paulette L. Kennedy”*

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Paulette L. Kennedy

*“Judith N. Robertson”*

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Judith N. Robertson