



Ontario
Securities
Commission

Commission des
valeurs mobilières
de l'Ontario

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Toronto ON M5H 3S8

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

- AND -

**IN THE MATTER OF
JOHN ILLIDGE, PATRICIA McLEAN, DAVID CATHCART,
STAFFORD KELLEY and DEVENDRANAATH MISIR**

ORDER

WHEREAS on July 11, 2005, the Ontario Securities Commission (the “Commission”) issued a Notice of Hearing and Statement of Allegations pursuant to sections 127 and 127.1 of the *Securities Act*, R.S.O. 1990, c. S.5, to consider whether it is in the public interest to make certain orders against John Illidge (“Illidge”), Patricia McLean (“McLean”), David Cathcart (“Cathcart”), Stafford Kelley (“Kelley”) and Devendranauth Misir (“Misir”) (collectively, the “Respondents”);

AND WHEREAS at a pre-hearing conference held April 27, 2007, dates for the hearing on the merits of this matter (the “Hearing on the Merits”) were tentatively set down for six weeks, commencing on May 5, 2008;

AND WHEREAS by letter dated March 8, 2008, Cathcart requested an adjournment of the Hearing on the Merits until winter 2008-2009 for the following reasons: (1) spring 2008 is a very busy time for Cathcart’s roofing business and, accordingly, holding the Hearing on the Merits as scheduled would be prejudicial to him; and (2) Cathcart has not retained counsel to represent him on this matter but intends to do so;

AND WHEREAS a hearing was held on April 21, 2008 to consider Cathcart’s motion for an adjournment;

AND WHEREAS the hearing of the motion on April 21, 2008 was attended by Cathcart, Illidge, counsel for McLean and counsel for Staff of the Commission (“Staff”) and the Panel heard submissions from all the parties present;

AND WHEREAS Staff opposed the adjournment of the Hearing on the Merits until winter 2008-2009, but requested that the hearing be delayed to commence the week of May 19, 2008 in order to accommodate continuation of settlement discussions with certain of the Respondents and to encourage the unrepresented Respondents to retain counsel;

AND WHEREAS Staff informed the Panel that Misir, who did not appear on the motion, opposed the adjournment, but consented to commencing the Hearing on the Merits in the week of May 19, 2008;

AND WHEREAS Staff informed the Panel that Kelley, who did not appear on the motion, did not oppose the adjournment;

AND WHEREAS Illidge supported Cathcart’s motion for an adjournment on the basis that Illidge may also retain counsel who will require time to prepare for the Hearing on the Merits;

AND WHEREAS counsel for McLean did not oppose the adjournment;

AND WHEREAS counsel for Staff estimated that a period of three weeks would be sufficient for the Hearing on the Merits;

AND WHEREAS the Panel considered the fairness to the parties of an adjournment and other relevant factors, including the likelihood that if the Hearing on the Merits does not occur in May 2008, it would have to be put over until Spring 2009 because of the Commission’s busy hearings calendar;

AND WHEREAS the Panel considers it to be in the public interest to make this order;

IT IS HEREBY ORDERED that:

- (1) the Hearing on the Merits shall commence on May 20, 2008, with the following four weeks reserved for the hearing; and
- (2) if there is a change in circumstances prior to the commencement of the Hearing on the Merits, the parties may bring any additional motions before the Commission at the commencement of the Hearing on the Merits on May 20, 2008, or earlier if necessary.

DATED at Toronto this 21st day of April, 2008

“James E. A. Turner”

James E. A. Turner

“David L. Knight”

David L. Knight