



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 SHANE SUMAN
AND MONIE RAHMAN**

ORDER

WHEREAS on July 24, 2007 the Ontario Securities Commission (the “Commission”) issued a Notice of Hearing pursuant to section 127 of the *Securities Act*, R.S.O. 1990, c. S.5, as amended, to consider whether it is in the public interest to make certain orders against Shane Suman (“Suman”) and Monie Rahman (“Rahman”), (collectively, the “Respondents”);

AND WHEREAS on August 28, 2007, counsel for Staff of the Commission (“Staff”) and counsel for the Respondents attended before the Commission for a first appearance, at which time they agreed to attend a pre-hearing conference on October 23, 2007;

AND WHEREAS on October 23, 2007, counsel for Staff and counsel for the Respondents attended before the Commission for a pre-hearing conference, at which time the parties agreed to attend a pre-hearing conference on November 26, 2007;

AND WHEREAS on November 26, 2007, counsel for Staff and counsel for the Respondents attended before the Commission for a pre-hearing conference, at which time the parties agreed to attend a pre-hearing conference on December 28, 2007;

AND WHEREAS on December 28, 2007, counsel for Staff and counsel for the Respondents attended before the Commission for a pre-hearing conference, at which time the parties agreed to attend a pre-hearing conference on January 29, 2008;

AND WHEREAS on January 29, 2008, counsel for Staff, counsel for the Respondents and Suman attended before the Commission for a pre-hearing conference, at which time counsel for the Respondents withdrew from the record with the consent of the Respondents, and counsel for Staff and the Respondents agreed to attend a pre-hearing conference on February 12, 2008;

AND WHEREAS, on February 12, 2008, counsel for Staff and Suman, representing himself and as agent for Rahman, attended before the Commission for a pre-hearing conference and it was ordered that: (1) the hearing of the merits in this matter shall commence on Wednesday, September 3, 2008 at 10:00 a.m., for ten days, with the exception of Friday September 12, 2008 and Tuesday September 16, 2008, or such other date as ordered by the Commission; and (2) a further pre-hearing conference in this matter, to be held by Friday, July 11, 2008, shall be arranged by the parties through the Office of the Secretary to the Commission;

AND WHEREAS, on June 27, 2008, counsel for Staff and Suman, representing himself and as agent for Rahman, attended before the Commission for a pre-hearing conference, at which time the Respondents' disclosure motion was set down for July 17, 2008;

AND WHEREAS, on July 17, 2008, counsel for Staff, Suman and newly-retained counsel for Rahman, attended before the Commission to speak to the Respondents' disclosure motion;

AND WHEREAS, on July 17, 2008, counsel for Rahman moved for an adjournment of the disclosure motion hearing on the ground that he required more time to review the disclosure already made by Staff and to consider additional disclosure requests, Suman joined in the adjournment motion, and counsel for Staff did not contest the adjournment request;

AND WHEREAS on July 17, 2008, the Commission adjourned the disclosure motion to July 30, 2008 and cancelled the pre-hearing conference previously scheduled for August 5, 2008;

AND WHEREAS on July 30, 2008, Suman and counsel for Rahman moved for an adjournment of the September hearing dates, and for unrestricted access to the disputed hard drive images to enable the Respondents to make full answer and defence;

AND WHEREAS on August 1, 2008, in addition to an order in respect of disputed hard drive images, the Commission ordered that the hearing be adjourned to October 20, 2008;

AND WHEREAS on September 25, 2008, counsel for Rahman wrote the Secretary of the Ontario Securities Commission requesting a pre-hearing conference be convened to consider scheduling further and consecutive hearing dates;

AND WHEREAS on October 7, 2008, Staff issued and served on the Respondents an amended Statement of Allegations;

AND WHEREAS, on October 7, 2008, counsel for Staff, counsel for Rahman, and Suman, representing himself, attended before the Commission for a pre-hearing conference to make submissions in respect of scheduling further and consecutive hearing dates;

AND WHEREAS all parties were in agreement that consecutive hearing dates in December would be preferable to non-consecutive hearing dates beginning on October 20, 2008;

AND WHEREAS, on October 7, 2008, the Commission ordered that the hearing on the merits be adjourned to December 4, 2008 at 11 am, continuing through December 17, 2008 (with the exception of December 9) and setting aside January 7 and 8, 2009 for the continuation of the hearing, if needed;

AND WHEREAS on November 27, 2008, counsel for Rahman wrote the Secretary of the Ontario Securities Commission requesting a pre-hearing conference be convened to consider her request for an adjournment;

AND WHEREAS, on December 1, 2008, counsel for Staff, counsel for Rahman, and Suman, representing himself, attended before the Commission for a pre-hearing conference to make submissions in respect of Rahman's request for an adjournment;

AND WHEREAS, on December 1, 2008, counsel for Rahman submitted that an adjournment of the hearing was required due to recently disclosed evidence by Staff, and Suman supported the request for an adjournment;

AND WHEREAS, on December 1, 2008, counsel for Staff did not oppose Rahman's request for an adjournment but indicated that Staff was prepared to proceed with the hearing on the merits on December 4, 2008;

AND WHEREAS, on December 3, 2008, the Commission issued an order adjourning the hearing to December 17, 2008 for the purpose of setting further dates for the hearing on the merits;

AND WHEREAS, on December 17, 2008, counsel for Staff, counsel for Rahman, and Suman, representing himself, attended before the Commission to speak to setting further dates for the hearing on the merits and as to a timetable for the completion of the exchange of expert reports, amendments to the Statement of Allegations, and the scheduling of a final pre-hearing conference;

AND WHEREAS on December 17, 2008 the Commission ordered that the hearing on the merits be adjourned to April 20, 2009 at 10 am;

AND WHEREAS on March 30, 2009 counsel for Staff, counsel for Rahman, and Suman, representing himself, attended before the Commission for a pre-hearing conference to make submissions in respect of the parties' readiness for the hearing on the merits;

AND WHEREAS on March 30, 2009, counsel for Rahman raised the issue of obtaining further information relating to Dawn Penner ("Penner"), an anticipated witnesses for Staff;

AND WHEREAS on March 30, 2009, the pre-hearing conference was adjourned to April 8, 2009 to allow counsel for Rahman to issue a summons to Dawn Penner, which summons was issued by the Commission on March 31, 2009;

AND WHEREAS on April 8, 2009, counsel for Staff, counsel for Rahman, and Suman, representing himself, attended before the Commission (counsel for Rahman and

Suman attending by telephone conference) to address the issue of the summons issued March 31, 2009 and any impact on the schedule for the hearing on the merits;

AND WHEREAS counsel for Staff advised as to counsel's understanding that Penner was on vacation and could not be served, that general counsel to MDS was made aware of the summons by counsel for Staff, and that MDS was working on a response to the summons;

AND WHEREAS counsel for Rahman took the position that there was not sufficient time to resolve the issue of the summons and the information relating to Penner prior to the hearing scheduled to begin April 20, 2009 and that, consequently, they requested an adjournment;

AND WHEREAS counsel for Staff opposed the requested adjournment;

AND WHEREAS counsel for Rahman also raised the issue of having sufficient number of hearing days in the schedule currently set;

AND HAVING CONSIDERED oral submissions from Staff, Suman, and counsel for Rahman;

IT IS HEREBY ORDERED that:

The hearing on the merits is adjourned to commence at 10:00 a.m. on July 27, 2009 and continue through to August 14, 2009, except for August 3 and August 4, 2009, or such other dates as are agreed by the parties and fixed by the Office of the Secretary.

Dated at Toronto this 8th day of April 2009.

"Paul K. Bates"

Paul K. Bates