



October 21, 2013

Mr. Brian Pederson
Delivered by Email, and
c/o M. Tochor, Q.C.
MacPherson Leslie Tyerman LLP
Regina, SK

Dear Mr. Pederson:

RE: IN THE MATTER OF ALENA MARIE PASTUCH, TEAMWORX PRODUCTIONS LTD., IDENDEGO INC., 101114386 SASKATCHEWAN LTD., 101115379 SASKATCHEWAN LTD., CRYPTGUARD LTD.

The Hearing Panel has received your latest update, dated October 15, 2013. It has also reviewed the proceedings and the status of the outstanding submissions since it granted an adjournment *sine die* in early September on the basis of the medical and health issues raised concerning Ms. Pastuch. A part of this second update is a medical note from Ms. Pastuch's doctor. The doctor has advised that there will be no further updates until [REDACTED]

[REDACTED] As you will recall, our granting of the adjournment included the requirement of regular updates every two weeks. This was in response to your adjournment request (September 9, 2013), which included the "promise to keep the panel notified on any major medical development so as to ensure that they are aware when the time is right to reset the Hearing Date." The panel's request was reasonable and the refusal to comply with this request is not acceptable.

Since the adjournment, you have filed both a 'Response' to the Motion to Recuse Decision and a 'Formal Appeal', and have copied several parties who are not a party to the hearing with these documents. It has been noted that at least one of the two documents contained confidential information concerning Ms. Pastuch's personal health matters and yet you did not caution or instruct these third parties to keep her medical information confidential. You have confirmed that Ms. Pastuch has instructed you on at least one of these submissions, notwithstanding that her doctor's advice [REDACTED]

The Hearing Panel therefore finds itself in a situation where you, as her lay representative, are refusing to comply with the terms attached to the adjournment. [REDACTED]



[REDACTED]

The Hearing Panel has also reviewed your September 8, 2013 motions and your Formal Appeal dated October 8, 2013. These submissions contain a series of arguments against the Hearing Panel's decision on the Motion to Recuse, and include everything from legal arguments to personal attacks. The Hearing Panel has reviewed them for new, relevant material facts upon which to justify another review of the request that the entire hearing panel, and/or the hearing panel chair, should be recused. No such relevant material facts were uncovered. The repetitive requests for the recusal of the entire hearing panel, and for the recusal of the hearing panel chair, are again denied. The request to remove the decision of the Hearing Panel on the Motion to Recuse from the FCAA website is also denied, as the posted decision was extensively redacted to ensure that any details concerning medical information or procedures were unavailable to the public.

You have testified and been released as a witness, so that you could return to your role as lay representative. The Respondents requested permission to recall witnesses who have already testified, so that they can be questioned further. The Hearing Panel has refused this request for reasons already stated on several occasions. In June 2013, the Respondents identified only two other witnesses that they intended to call, beyond you, Ms. Pastuch and the previous witnesses whose recalls have been disallowed. The Hearing Panel signed a subpoena for each of these two individuals, so that they could be served. Since then, the Respondents have confirmed that they will not be serving the subpoenas.

The Respondents have had the opportunity to lead evidence through the preliminary motions stage and through the formal hearing stage, with both verbal and written testimony. They have had the opportunity to cross-examine witnesses called in support of the allegations against them. They have had the opportunity to call additional witness through the use of subpoenas. Some of these opportunities have been seized but many have been refused or squandered. On the last date when evidence was presented before the Hearing Panel (July 12, 2013), the Respondents only had one remaining witness to complete – Ms. Pastuch. Ms. Pastuch has refused to submit the balance of her written testimony within both the initial time agreed upon by her representative, and within the extension period granted by the Hearing Panel. [REDACTED]

[REDACTED]

The Hearing Panel granted her this extraordinary accommodation to provide her testimony-in-chief in writing, yet she refused to complete that task within an approximate six-week time frame.



The Hearing Panel has reviewed the testimony from all of the witnesses that it has heard to date, both verbally and in writing. In particular, it has considered the verbal and written testimony of Ms. Pastuch and finds no value (for the purposes of this hearing) in a cross-examination of the limited written and verbal testimony she has provided.

The refusal to provide medical updates and your (and/or Ms. Pastuch's) refusal to follow medical directives, combined with the squandered opportunities to present its case have led the panel to conclude that there is little to be gained by further delaying the hearing. Accordingly, the parties are directed to present written arguments on the basis of the evidence presented before the Hearing Panel in relation to the allegations contained in the Notice of Hearing. Thereafter, the Hearing Panel will consider the submitted written arguments in light of the evidence it has received to date and will advise the parties on the status of the hearing at that point. The written arguments should be considered closing arguments.

Mr. Udemgba and Mr. Pederson are to submit their written arguments on the evidence presented in the hearing to date, not later than the end of the day on November 15, 2013, with copies being exchanged between them on that date (or sooner if they agree). Mr. Pederson will be provided with one further week, to the end of the day on November 22, 2013, to provide rebuttal arguments to the submissions of Mr. Udemgba. Mr. Udemgba will have one further week thereafter, to the end of the day on November 29, 2013 to rebut any issues raised by Mr. Pederson in his submissions. Extensions to these deadlines will not be granted and documents submitted after the deadlines will not be accepted.

This is a unanimous decision of the Hearing Panel.



Gordon D. Hamilton, Panel Chair

cc. Mr. S. Udemgba