

IN THE COURT OF APPEAL  
FOR SASKATCHEWAN

Between:

101114386 SASKATCHEWAN LTD.  
101115379 SASKATCHEWAN LTD.  
TEAMWORX PRODUCTIONS LTD.  
IDENDEGO INC  
ALENA PASTUCH  
CRYPTGUARD LTD.

Appellants

-and-

SASKATCHEWAN FINANCIAL SERVICES COMMISSION

Respondent

NOTICE OF APPEAL

TAKE NOTICE:

1. THAT the above named Appellants (the "Appellant") hereby appeals to the Court of Appeal from the judgment and Order of the Hearing Panel of the Saskatchewan Financial Services Commission (the "Commission") issued on the 19th day of October, 2011 and November 14<sup>th</sup>, 2011.
2. THAT the whole of the judgment and Order are being appealed.
3. THAT the source of the Appellant's right of appeal and the court's jurisdiction to entertain the appeal is:
  - a. Section 7(2) of *The Court of Appeal Act, 2000* states that an appeal lies to the court from a decision of any other court or tribunal where a right of appeal to the court is conferred by an enactment;
  - b. Section 12(1) of *The Court of Appeal Act, 2000* grants the Court of Appeal the power to allow an appeal and make any decision that could have been made by the court or tribunal appealed from;

- c. Section 11(1) of *The Securities Act, 1988* allows for a person or company directly affected by a decision of the Commission to appeal the decision to the Court of Appeal;
  - d. Section 11(3) of *The Securities Act, 1988* allows the Court of Appeal to hear evidence and argument with respect to the matter of appeal;
  - e. Section 11(5) of *The Securities Act, 1988* allows the Court of Appeal to direct the Commission to make any decision or do any other Act that the Commission is authorized and empowered to do pursuant to *The Securities Act, 1988* and the Court of Appeal considers proper; and
  - f. Section 11(8) of *The Securities Act, 1988* states that the Court of Appeal may grant a stay until disposition of this appeal.
4. THAT the appeal is taken upon the following grounds:
- a. The Appellant is facing a serious medical condition that would prove both a potential risk to her as well as others;
  - b. The Appellant was unable to provide the Hearing Panel with evidence regarding this medical condition at the time of the hearing because the SFSC would not consent to the conditions of release of the medical information and would not provide the Appellant with an alternative condition of release to satisfy the Appellant's concerns;
  - c. The Hearing Panel erred in determining that they did not have sufficient medical evidence;
  - d. The Hearing Panel made findings of facts and made conclusions where evidence tendered did not support such findings of fact and conclusions, such as to amount to an error in law;
  - e. The Hearing Panel failed to review the Appellant's medical records to ascertain the gravity of the medical condition; and
  - f. The Hearing Panel erred in finding that previous adjournments were made at the fault of the Appellant when the previous adjournments were based solely on: (a) the SFSC not handing over ANY or full disclosure and (b) the issue of missing crucial evidence seized by the SFSC that goes to the very heart of the defense.
5. THAT the Appellant requests the following relief:
- a. THAT the Order of the Hearing Panel for the Saskatchewan Financial Services Commission dated November 14, 2011 and the accompanying decision dated October 19, 2011 be stayed until disposition of this appeal;
  - b. THAT the Order of the Hearing Panel for the Saskatchewan Financial Services Commission dated November 14, 2011 be set aside;
  - c. THAT the decision of the Hearing Panel for the Saskatchewan Financial Services Commission issued October 19, 2011 be set aside;
  - d. THAT this Honourable Court grant an indefinite adjournment of the formal hearing; and

- e. THAT this Honourable Court award costs to the Appellant for the within application.
6. THAT the Appellant's address for service is: 1500 Hill Center I, 1874 Scarth Street, Regina, Sk S4P 4E9 (C/O Mike Tochor)  
Telephone number: (306) 347-8000  
Fax number: N/A  
The lawyer in charge of the file is: N/A.
7. THAT the Appellant requests that this appeal be heard at Regina.

DATED at Regina, Saskatchewan, this 18<sup>th</sup> day of November, 2011.

  
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Alena Pastuch

TO: Barbara Shourounis, Director of the Securities Division  
Saskatchewan Financial Services Commission  
601, 1919 Saskatchewan Drive,  
Regina SK S4P 4H2