

In the Matter of *The Securities Act, 1988*

and

In The Matter of

Alena Marie Pastuch

Teamworx Productions Ltd.

Idendego Inc.

101114386 Saskatchewan Ltd.

101115379 Saskatchewan Ltd.

Cryptguard Ltd.

**REASONS OF THE HEARING PANEL
CONCERNING A MOTION FOR
AN INTERIM STAY OF PROCEEDINGS**

DECISION

1. The applicants, Alena Marie Pastuch and the corporations 101114386 Saskatchewan Ltd., 101115379 Saskatchewan Ltd., Teamworx Productions Ltd., Idendego Inc., and Cryptguard Ltd. (the "Applicants"), are involved in a hearing being conducted pursuant to *The Securities Act, 1988*, S.S. 1899-89, c. S-42.2 (the "Hearing").
2. On July 23, 2014 the hearing panel (the "Hearing Panel") appointed to conduct the Hearing released its decision in respect of the Hearing.
3. On August 7, 2014, the Applicants filed a Notice of Appeal to the Saskatchewan Court of Appeal in respect of the decision of the Hearing Panel.
4. On August 7, 2014, the Applicants brought an application (the "Application") to the Financial and Consumer Affairs Authority ("FCAA") to stay proceedings in this matter until their appeal has been disposed of by the Court of Appeal.
5. A hearing on the Application was held on September 18, 2014 via conference call, where submissions were made on behalf of the Applicants and on behalf of FCAA Staff.

Following such submissions, this Panel gave the parties leave to file further written materials. Additional written materials were received from both the Applicants and FCAA Staff, and these reasons are based on both the verbal submissions made and the written materials provided.

6. The basis for the Applicants' request for a Stay of Proceedings was founded on two grounds. First, the Applicants were of the view that Rule 15(1) of the Court of Appeal rules provides an automatic stay of proceedings. Such a finding would be at odds with s.11(8) of *The Securities Act* (the "Act"), which grants the Commission (or the Court of Appeal) discretionary powers to grant a stay of proceedings until disposition of the Appeal.
7. Having reviewed both provisions, this Panel is of the view that no automatic stay arises by virtue of the Applicants' appeal. Rather, the granting of a stay is in the discretion of this Panel.
8. In determining whether a stay is warranted in this instance, the Panel reviewed the written and verbal submissions of the Applicants and FCAA Staff in light of the three-stage test set forth in *RJR-MacDonald Inc. v. Canada* [1994] 1 S.C. R. 311, namely: determining whether there is a serious question to be tried, whether the applicant would suffer irreparable harm if the stay is not granted, and finally, which of the parties would suffer greater harm from the granting or refusal of the stay.
9. The Applicants submitted voluminous material in support of their application that a stay should be granted. Having reviewed this material, this Panel is of the view that the vast majority of it is either a replication of materials and proceedings previously brought before the original Panel, or are allegations of wrongdoing by various parties during the course of those proceedings. While such materials may be relevant in the conduct of the appeal, it is not for this Panel to re-visit matters already decided by a previous panel, nor is it for this Panel to make any determination on the matters before the Court of Appeal.
10. Case law is clear that the onus to establish the likelihood of irreparable harm falls to the applicant(s). This Panel has concluded that the Applicants have failed to establish any evidence of irreparable harm that would befall them should a stay of proceedings not be

granted. Accordingly, they have not satisfied the second stage of the three-stage test, and accordingly, a stay of proceedings is unwarranted.

11. Based on the above, the Motion of the Applicants is dismissed. There shall be no order as to costs.

Dated at Saskatoon, Saskatchewan on December 19 2014.



Derrek S. Fahl
Chair of the Hearing Panel
Financial and Consumer Affairs Authority of
Saskatchewan