

2021

C.A. No. 507611

Nova Scotia Court of Appeal

Between:

DOUGLAS G. RUDOLPH

Appellant

and

**THE ATTORNEY GENERAL OF NOVA SCOTIA,
THE NOVA SCOTIA SECURITIES COMMISSION, and
THE STAFF OF THE NOVA SCOTIA SECURITIES COMMISSION**

Respondents

Justice Peter M.S. Bryson

CONSENT ORDER

WHEREAS the appellant, Douglas G. Rudolph (the "Appellant") commenced an appeal relating to the merits decision of the Nova Scotia Securities Commission on July 12, 2021 naming the Attorney General of Nova Scotia and the Nova Scotia Securities Commission as respondents to the appeal;

AND WHEREAS the Staff of the Nova Scotia Securities Commission moved to be added as a respondent to the appeal upon the filing of the Notice of Appeal;

AND WHEREAS the Appellant; the respondent, the Attorney General of Nova Scotia; the respondent, the Nova Scotia Securities Commission; and, the Staff of the Nova Scotia Securities Commission consented to the addition to the Staff of the Nova Scotia Securities Commission as a respondent;

AND WHEREAS the Staff of the Nova Scotia Securities Commission was added as a respondent by way of an Order issued on August 26, 2021;

AND WHEREAS the Appellant seeks to further add Peter A.D. Mill, Canglobe International Capital Inc., and, CFG*CN Ltd. as respondents to the appeal;

AND WHEREAS the Nova Scotia *Civil Procedure Rule* 90.16(1) requires an appellant to join each other party to the proceedings under appeal who is not an appellant as a respondent to the appeal;

AND WHEREAS Peter A.D. Mill, Canglobe International Capital Inc., and, CFG*CN Ltd. were respondents to the decision of the Nova Scotia Securities Commission presently under appeal;

AND WHEREAS the respondent, the Attorney General of Nova Scotia, represented by Edward Gores, Q.C.; the respondent, the Nova Scotia Securities Commission, represented by Doug Harris; and, the respondent, the Staff of the Nova Scotia Securities Commission, represented by Jennie Pick, consent to the addition of Peter A.D. Mill, Canglobe International Capital Inc., and, CFG*CN Ltd. as respondents to the appeal;

AND WHEREAS the sanctions decision of the Nova Scotia Securities Commission was released on September 16th, 2021;

AND WHEREAS the sanctions decision involves the same respondents as the merits decision of the Nova Scotia Securities Commission;

AND WHEREAS the Appellant is appealing the sanctions decision of the Nova Scotia Securities Commission and is intending to amend the Notice of Appeal filed on July 12, 2021 to encompass grounds relating to the sanctions decision;

AND WHEREAS the Appellant and current respondents appeared before the Honourable Justice Beaton on August 25, 2021, via teleconference where it was agreed amongst the parties that an extension of time would be consented to thereby allowing the Appellant to amend the Notice of Appeal filed on July 12, 2021 to include any grounds relating to the sanctions decision, once issued, within the ordinary time frame for appealing the sanctions decision;

AND WHEREAS the Appellant and current respondents agree that it is in the interests of time and resources of the Court to allow the amendment to the appeal as opposed to the filing of a fresh appeal relating to the sanctions decision.


It is ordered:

1. Peter A.D. Mill shall be added as a respondent in his personal capacity to the within appeal (and any amended appeal).
2. The corporations, Canglobe International Capital Inc., and, CFG*CN Ltd. shall be added as respondents to the within appeal (and any amended appeal).
3. The style of cause shall be amended according to the Schedule "A" attached hereto.
4. The Appellant shall be entitled to amend the Notice of Appeal filed on July 12, 2021 to detail the grounds of appeal relating to the sanctions decision within the ordinary time for appealing the sanction decision being twenty-five (25) days as per the *Civil Procedure Rules*.

CONSENTED TO:


Richard A. Bureau, Counsel for the Appellant,
Douglas G. Rudolph


Edward Gores, Q.C., Counsel for the Respondent,
Attorney General of Nova Scotia


Doug Harris, Counsel for the Respondent,
Nova Scotia Securities Commission


Jemie Pick, Counsel for the Respondent,
Staff of the Nova Scotia Securities Commission

Issued at Halifax, Nova Scotia, this 8th day of October 2021.



Registrar

Caroline McInnes
Registrar

IN THE NOVA SCOTIA
COURT OF APPEAL

I hereby certify that the foregoing is a
true copy of the original order on file
herein.

Dated the 8th day of October
A.D., 2021.


REGISTRAR

Caroline McInnes
Registrar

SCHEDULE "A"

2021

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DOUGLAS G. RUDOLPH

Appellant

and

**THE ATTORNEY GENERAL OF NOVA SCOTIA,
THE NOVA SCOTIA SECURITIES COMMISSION,
THE STAFF OF THE NOVA SCOTIA SECURITIES COMMISSION,
PETER A.D. MILL, CANGLOBE INTERNATIONAL CAPITAL INC.,
and CFG*CN LTD.**

Respondents