

IN THE MATTER OF
THE *SECURITIES ACT*, R.S.N.S. 1989, CHAPTER 418, AS AMENDED (“Act”)

- and -

IN THE MATTER OF
WAYNE J. BERRY (“Respondent”)

MEMORANDUM OF PRE-HEARING CONFERENCE

This Memorandum of Pre-Hearing Conference is prepared pursuant to part 9.8 of Nova Scotia Securities Commission Rule 15-501 General Rules of Practice and Procedure (“Rule 15-501”).

The following agreements, undertakings, and orders were made or given at the Pre-Hearing Conference held at 1:30 p.m. on May 16, 2016.

In attendance was Stephanie Atkinson, counsel for the Director of Enforcement, and Wayne Berry on his own behalf, via teleconference.

AGREEMENTS:

None.

UNDERTAKINGS:

None.

ORDERS:

1. All documents and information disclosed in this proceeding shall be used for the purpose of this proceeding only, unless otherwise directed by the Commission;
2. The Respondent shall keep confidential all documents and information disclosed in this proceeding pursuant to Rule 15-501, unless otherwise ordered by the Commission;
3. The disclosure of the Director of Enforcement pursuant to parts 8.1 and 8.2 of Rule 15-501 shall be provided to the Respondent on or before Monday, June 27, 2016;
4. The disclosure of the Respondent pursuant to part 8.3 of Rule 15-501 shall be provided to the Director of Enforcement on or before Friday, August 12, 2016;


5. Written submissions regarding the issue of bifurcation of the Respondent's motion for a stay of proceedings based on section 11(b) of the *Charter* from the hearing on the merits of the allegations shall be filed as follows:
 - a) Director of Enforcement: on or before Tuesday, May 24, 2016; and
 - b) Respondent: Tuesday, June 7, 2016;
6. In the event the Commission determines that the Respondent's motion for a stay of proceedings based on section 11(b) of the *Charter* shall be bifurcated from the hearing on the merits of the allegations, the motion shall be heard on Tuesday, September 6, 2016 at 9:30a.m., and the parties shall file written pre-hearing submissions regarding this motion as follows:
 - a) Respondent: on or before Tuesday, August 2, 2016; and
 - b) Director of Enforcement: on or before Tuesday, August 16, 2016;
7. The hearing to consider the merits of the Statement of Allegations of the Director of Enforcement dated November 27, 2012 will be held on February 13, 2017 beginning at 9:30 a.m., unless otherwise ordered by the Commission;
8. Written opening statements regarding the merits of the allegations shall be filed prior to the commencement of the hearing on the merits of the allegations as follows:
 - a) Director of Enforcement: four weeks; and
 - b) Respondent: two weeks.

DATED at Halifax, Nova Scotia, this 3rd day of August, 2016.

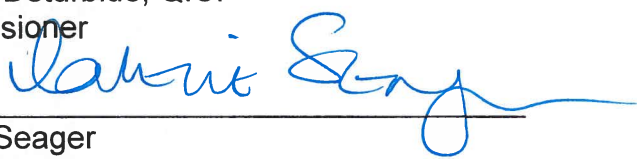
NOVA SCOTIA SECURITIES COMMISSION



J. Walter Thompson, Q.C.
Commissioner
Chair of Panel



Michael Deturbide, Q.C.
Commissioner



Valerie Seager
Commissioner