



Mutual Fund Dealers Association of Canada
Association canadienne des courtiers de fonds mutuels

**IN THE MATTER OF A DISCIPLINARY HEARING
PURSUANT TO SECTIONS 20 AND 24 OF BY-LAW NO. 1 OF
THE MUTUAL FUND DEALERS ASSOCIATION OF CANADA**

Re: Mohammad Movassaghi and Kindle Briten Megan Blythe

ORDER

(ARISING FROM APPEARANCE ON DECEMBER 3, 2019)

WHEREAS on March 21, 2019, the Mutual Fund Dealers Association of Canada (the “MFDA”) issued a Notice of Hearing pursuant to sections 20 and 24 of By-law No. 1 in respect of a disciplinary proceeding commenced against Mohammad Movassaghi (“Movassaghi”) and Kindle Briten Megan Blythe (“Blythe”) (together referred to as the “Respondents”);

AND WHEREAS in accordance with s. 19.13(b) of MFDA By-law No. 1, on May 28, 2019, the first appearance in this matter was held by teleconference before a public representative of the Pacific Regional Council of the MFDA (the “Chair”) on behalf of the Hearing Panel. At the first appearance, an order was made establishing a schedule for the future steps in the proceeding. In particular, the hearing of the matter on its merits was scheduled to proceed from December 18-20, 2019 and from January 9-10, 2020 in Vancouver. The Chair also reserved September 4, 2019 as a date for pre-hearing motions;

AND WHEREAS on August 21, 2019, Staff of the MFDA (“Staff”) served and filed a motion record requesting leave to amend the Notice of Hearing (“Motion To Amend”);

AND WHEREAS on August 26, 2019, Blythe served and filed a motion to strike allegations against Blythe from the Notice of Hearing, or in the alternative for further particulars (the “Blythe Motion”);

AND WHEREAS on August 28, 2019, Staff brought a motion that was heard by teleconference on August 30, 2019 to adjourn the hearing of the Blythe Motion from September 4, 2019 to a date in October 2019 (the “Adjournment Motion”);

AND WHEREAS on August 30, 2019, during the hearing of the Adjournment Motion counsel for Movassaghi expressed the intention to bring a motion to seek relief for Movassaghi similar to the relief sought by Blythe in the Blythe Motion (the “Movassaghi Motion”);

AND WHEREAS on August 30, 2019 at the conclusion of the Adjournment Motion, Staff was granted leave to amend the Notice of Hearing as proposed in Staff’s Motion to Amend (the “Amended Notice of Hearing”) and a schedule was set for the hearing of the Blythe Motion and the Movassaghi Motion in Vancouver, British Columbia before the full Hearing Panel on October 10, 2019;

AND WHEREAS on October 10, 2019, prior to commencement of oral submissions with respect to the Blythe Motion and the Movassaghi Motion, the Hearing Panel granted leave to Staff to incorporate further amendments into the Notice of Hearing (the “Further Amended Notice of Hearing”);

AND WHEREAS on October 10, 2019, prior to the commencement of oral submissions with respect to the Blythe Motion, Staff objected to the admissibility of the affidavit evidence filed by Blythe in support of the Blythe Motion on the basis that it constituted inadmissible hearsay evidence;

AND WHEREAS on October 10, 2019 counsel for each of the parties made oral submissions in person in Vancouver, British Columbia and on November 15, 2019 the parties completed their oral submissions by teleconference with respect to the Blythe Motion and the Movassaghi Motion and the Hearing Panel reserved its decision on the motions;

AND WHEREAS upon reading the motion records, the responding record and the written submissions filed by the parties with respect to the relief sought on the Blythe Motion and the Movassaghi Motion and upon hearing the oral submissions of the parties with respect to the Blythe Motion and the Movassaghi Motion, the Hearing Panel issued Decision and Reasons dated November 20, 2019 explaining, among other things, that the Hearing Panel is of the opinion that:

- 1) The Blythe Motion seeking to strike all allegations against Blythe as contained in the Further Amended Notice of Hearing is dismissed;
- 2) The Movassaghi Motion seeking to strike all allegations against Movassaghi as contained in the Further Amended Notice of Hearing is dismissed;
- 3) The Blythe Motion and Movassaghi Motion seeking further particulars is allowed and accordingly, Staff must amend the Further Amended Notice of Hearing to:
 - i. separate the allegations against Movassaghi from the allegations against Blythe and plead the basis upon which liability is alleged against each one; and
 - ii. particularize the principle or principles upon which Staff asserts that the Respondents may be held jointly liable for any alleged misconduct;

AND WHEREAS Staff requested some changes to the scheduling of the hearing on the merits and appearances took place by teleconference on November 26, 2019 and on December 3, 2019 to consider the submissions of the parties concerning the scheduling of the hearing on the merits;

IT IS HEREBY ORDERED THAT:

1. Subject to any further order in this proceeding:
 - a) on or before December 10, 2019 at 4:00 p.m. (Eastern), Staff shall serve and file a Fresh As Amended Notice of Hearing incorporating changes ordered by the Hearing Panel in its Decision and Reasons dated November 20, 2019;
 - b) on or before December 18, 2019 at 4:00 p.m. (Pacific), all parties shall deliver disclosure and exchange witness lists and summaries of anticipated evidence in accordance with Rules 10 and 11 of the *MFDA Rules of Procedure*; and

- c) the hearing of this matter on its merits shall take place before the Hearing Panel in a hearing room to be determined in Vancouver, British Columbia on January 7th, 9th, 10th, 13th and 14th, 2020. On January 7, 2020, the hearing shall commence at 10:00 a.m. (Pacific) and on each subsequent day, the hearing shall commence at 9:30 a.m. (Pacific) or as soon thereafter as the matter can be heard.

DATED this 3rd day of December, 2019.

“Ian H. Pitfield“

Ian H. Pitfield
Chair

“Nova Aitchison“

Nova Aitchison
Industry Representative

“Richard Sydenham“

Richard Sydenham
Industry Representative

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