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In its recent decision in *SA Capital Growth Corp v Mander Estate* the Ontario Court of Appeal considered whether the appellant, who was facing proceedings before the Ontario Securities Commission (OSC), was entitled to production of documents and information from the court-appointed receiver that had been appointed to investigate a Ponzi scheme in which the appellant was allegedly involved. Justice Pattillo, the application judge, ordered production of some, but not all, of the documents sought by the appellant, Peter Sbaraglia. Sbaraglia appealed, seeking further production, while the receiver cross-appealed, arguing that no production should have been ordered.

The Ontario Court of Appeal dismissed Sbaraglia's appeal and granted the receiver's cross-appeal. In doing so, the court considered two important issues:

- the circumstances in which a party involved in a receivership can obtain production of documents from a court-appointed receiver; and
- the appropriateness (or lack thereof) of seeking an order from the Ontario Superior Court, tantamount to an interlocutory procedural order in an ongoing regulatory proceeding.

This update outlines the court of appeal's reasons on these two issues, after providing a brief background on the relevant facts.

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