

COURT FILE No.: CV-20-00653410-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

**ANSON ADVISORS INC., ANSON FUNDS MANAGEMENT LP, ANSON
INVESTMENTS MASTER FUND LP AND MOEZ KASSAM**

Plaintiffs

- and -

**JAMES STAFFORD, ANDREW RUDENSKY, ROBERT LEE DOXTATOR, JACOB
DOXTATOR AND JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4 AND
OTHER PERSONS UNKNOWN**

Defendants

MOTION RECORD

June 19, 2023

GROIA & COMPANY
Professional Corporation Lawyers
365 Bay Street, Suite 1100
Toronto, ON M5H 2V1

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*Lawyers for the Defendant,
Jacob Doxtator*

TO: **Jacob Doxtator**
1150 Salem Road
Consecon, Ontario
K0K 1T0

Email: jacobdoxtator@gmail.com

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TAB 1

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NOTICE OF MOTION

Groia & Company Professional Corporation (“**Groia & Company**”), lawyers for the
Defendant, Jacob Doxtator, will make a Motion to the court on a date to be set.

PROPOSED METHOD OF HEARING: The Motion is to be heard

By video conference.

at the following location

[courthouse address, a dial-in number, access code, video link, etc.]

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THE MOTION IS FOR

- (a) An order removing Groia & Company as lawyers of record for Jacob Doxtator; and
- (b) Such further and other relief as to this Honourable Court may deem just.

THE GROUNDS FOR THE MOTION ARE

- (a) There has been a serious and irreparable breakdown in the relationship between Groia & Company and Jacob Doxtator;
- (b) Rules 1.03, 1.04, 15.04, and 37 of the *Rules of Civil Procedure*; and
- (c) Such further and other grounds as the lawyers may advise.

THE FOLLOWING DOCUMENTARY EVIDENCE will be used at the hearing of the Motion:

- (a) The affidavit of Bethanie Pascutto affirmed June 19, 2023; and
- (b) Such further and other evidence as the lawyers may advise and this Honourable Court may permit.

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June 19, 2023

Groia & Company
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*Lawyers for the Plaintiffs, Anson Advisors Inc., Anson Funds Management LP,
Anson Investments Master Fund LP and Moez Kassam*

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*Lawyers for the Defendant, James Stafford and
the Defendant (Plaintiff by Counterclaim), Robert Lee Doxtator*

RCP-E 37B (February 25, 2022)

COURT FILE No.: CV-20-00653410-00CL

ANSON ADVISORS INC. et al

JAMES STAFFORD et al

Plaintiffs

and

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced in Toronto**

NOTICE OF MOTION

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Kevin Richard LSO #43160P
Bethanie Pascutto LSO #78098F

Lawyers for the Defendant, Jacob Doxtator

TAB 2

COURT FILE No.: CV-20-00653410-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE

B E T W E E N:

**ANSON ADVISORS INC., ANSON FUNDS MANAGEMENT LP, ANSON
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Plaintiffs

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OTHER PERSONS UNKNOWN**

Defendants

AFFIDAVIT OF BETHANIE PASCUTTO

(Affirmed June 19, 2023)

I, Bethanie Pascutto, of the City of Burlington, in the Province of Ontario, AFFIRM:

1. I am a lawyer at Groia & Company Professional Corporation (“**Groia & Company**”), the law firm of record for the Defendant, Jacob Doxtator, in the within action. I worked on this file and, as such, I have personal knowledge of the facts and matters deposed to herein, except where stated to be based on information and belief, in which case I have stated the source of my information and believe such facts and matters to be true.

2. Nothing in this affidavit is intended to waive any privilege over communications between Groia & Company and Jacob Doxtator.

Unpaid Legal Fees

3. As of the date of this affidavit, Jacob Doxtator owes Groia & Company over \$47,500 in unpaid legal fees.

4. [REDACTED]

5. [REDACTED]

6. [REDACTED]

7. [REDACTED]

8. [REDACTED]

9. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

10. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

11. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

12. [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

[REDACTED]

13. [REDACTED]

14. [REDACTED]

Status of the Litigation

15. The parties have completed examinations for discovery and Jacob Doxtator has provided his answers to undertakings.

16. The plaintiffs are bringing a motion for production from non-parties and issuance of letter of request.

17. Trial dates have not yet been set in this matter.

18. I make this affidavit in support of the Groia & Company's motion to be removed as lawyers of record for Jacob Doxtator and for no other or improper purpose.

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AFFIRMED remotely by Bethanie Pascutto stated as being located in the City of Burlington, in the Province of Ontario, before me at the City of Toronto, in the Province of Ontario on June <>, 2022, in accordance with O. Reg. 431/20, *Administering Oath or Declaration Remotely*



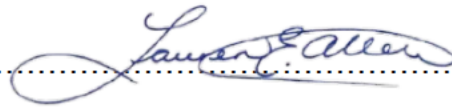
Commissioner for Taking Affidavits
(or as may be)



BETHANIE PASCUTTO

This is Exhibit "A" to the Affidavit of Bethanie Pascutto

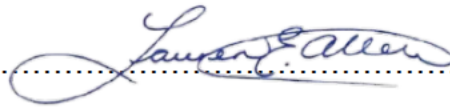
Affirmed this 19th day of June, 2023

A handwritten signature in blue ink, reading "Lauren E. Allen", is written over a horizontal dotted line.

Commissioner for Taking Affidavits

This is Exhibit "B" to the Affidavit of Bethanie Pascutto

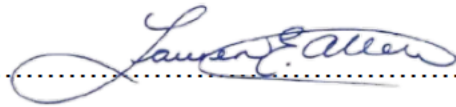
Affirmed this 19th day of June, 2023

A handwritten signature in blue ink, reading "Lauren J. Allen", is written over a horizontal dotted line.

Commissioner for Taking Affidavits

This is Exhibit "C" to the Affidavit of Bethanie Pascutto

Affirmed this 19th day of June, 2023

A handwritten signature in blue ink, reading "Lauren E. Allen", is written over a horizontal dotted line.

Commissioner for Taking Affidavits

This is Exhibit "D" to the Affidavit of Bethanie Pascutto

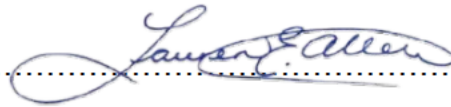
Affirmed this 19th day of June, 2023

A handwritten signature in blue ink, appearing to read "Lauri Allen", is written over a horizontal dotted line.

Commissioner for Taking Affidavits

This is Exhibit "E" to the Affidavit of Bethanie Pascutto

Affirmed this 19th day of June, 2023

A handwritten signature in blue ink, reading "Lauren Allen", is written over a horizontal dotted line.

Commissioner for Taking Affidavits

This is Exhibit “F” to the Affidavit of Bethanie Pascutto

Affirmed this 19th day of June, 2023



.....

Commissioner for Taking Affidavits

COURT FILE NO.: CV-20-00653410-00CL

ANSON ADVISORS INC. et al

JAMES STAFFORD et al

Plaintiffs

and

Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced in Toronto

AFFIDAVIT OF BETHANIE PASCUTTO
(Affirmed June 19, 2023)

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Kevin Richard LSO #43160P

Lawyers for the Defendant, Jacob Doxtator

TAB 3

COURT FILE No.: CV-20-00653410-00CL

ONTARIO
SUPERIOR COURT OF JUSTICE
COMMERCIAL LIST

The Honourable
Justice _____

)
)
)

The ____ day of _____, 2023

B E T W E E N:

**ANSON ADVISORS INC., ANSON FUNDS MANAGEMENT LP, ANSON
INVESTMENTS MASTER FUND LP AND MOEZ KASSAM**

Plaintiffs

- and -

**JAMES STAFFORD, ANDREW RUDENSKY, ROBERT LEE DOXTATOR, JACOB
DOXTATOR AND JOHN DOE 1, JOHN DOE 2, JOHN DOE 3, JOHN DOE 4 AND
OTHER PERSONS UNKNOWN**

Defendants

ORDER

THIS MOTION, made by Groia & Company Professional Corporation (“**Groia & Company**”), lawyers for the Defendant, Jacob Doxtator for an Order removing Groia & Company as lawyers of record for Jacob Doxtator was heard this day by video conference at the courthouse, 393 University Avenue, Toronto, Ontario, M5G 1E6;

ON READING the motion record and affidavits of service;

AND ON HEARING the submissions of Kevin Richard, a lawyer at Groia & Company;

AND ON BEING ADVISED that the Plaintiffs were duly served with a copy of the Notice of Motion via email to their counsel, Matthew Milne-Smith of Davies Ward Phillips &

Vineberg (MMilne-Smith@dwpv.com) on June 16, 2023, and the Defendants, James Stafford and Robert Lee Doxtator, were duly served with a copy of the Notice of Motion via email to their counsel, Won Kim of Kim Spencer McPhee P.C. (wjk@complexlaw.ca) on June 16, 2023, and the Defendant, Andrew Rudensky has been noted in default and need not be provided with notice for the within motion;

AND ON BEING ADVISED that the Defendant, Jacob Doxtator, was duly served with copies of the motion materials via regular mail to his last known address at 1150 Salem Road, Consecon, Ontario, K0K 1T0, and via email (jacobdoxtator@gmail.com) on June 19, 2023;

1. **THIS COURT ORDERS** that Groia & Company be removed as the lawyers of record for Jacob Doxtator in the within proceeding (Court File No.: CV-20-00653410-00CL) upon the issued and entered Order being served on Jacob Doxtator and filed with proof of service in the court file.
2. **THIS COURT ORDERS** that a copy of this order be served on Jacob Doxtator by regular mail via sent to 1150 Salem Road, Consecon, Ontario, K0K 1T0, being his last known address and by sending a copy via email to jacobdoxtator@gmail.com.
3. **THIS COURT ORDERS** that pursuant to Rule 15.04(8) of the *Rules of Civil Procedure*, Jacob Doxtator, shall, within 30 days after being served with the Order removing Groia & Company as the lawyers from record,
 1. appoint a new lawyer of record by serving a notice under subrule 15.03(2) of the *Rules of Civil Procedure*; or
 2. serve a notice of intention to act in person under subrule 15.03(3) of the *Rules of Civil Procedure*.
4. Rule 15.04(9) of the *Rules of Civil Procedure* provides: If the client fails to comply with subrule (8),
 - (a) the court may dismiss its proceeding or strike out its defence; and
 - (b) in an appeal,

- (i) a judge of the appellate court may, on motion, dismiss the corporation's appeal, or
- (ii) the court hearing the appeal may deny it the right to be heard.

5. **AND THIS COURT ORDERS AND DIRECTS** that there shall be no costs of this motion.

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ANSON ADVISORS INC. et al

JAMES STAFFORD et al

Plaintiffs

and

Defendants

**ONTARIO
SUPERIOR COURT OF JUSTICE
Proceeding commenced in Toronto**

ORDER

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MOTION RECORD

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