



**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: W. H. Stuart Mutuals Ltd., Marilyn Dianne Stuart and  
Walter Howard Stuart**

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**ORDER**

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**WHEREAS** on November 27, 2014, 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 W. H. Stuart Mutuals Ltd. (“W. H. Stuart”), Marilyn Dianne Stuart (“Dianne Stuart”) and Walter Howard Stuart (“Howard Stuart”) (collectively, the “Respondents”);

**AND WHEREAS** an affidavit of service filed by Staff of the MFDA (“Staff”) states that:

- a) on November 27, 2014, counsel for Dianne Stuart accepted service of the Notice of Hearing on behalf of Dianne Stuart;
- b) on November 28, 2014, a copy of the Notice of Hearing was served on Ernst & Young LLP, the Trustee in Bankruptcy for W. H. Stuart (the “Trustee for W. H. Stuart”); and
- c) on December 1, 2014, a copy of the Notice of Hearing was served on Howard Stuart by FedEx courier;

**AND WHEREAS** pursuant to Rule 2.2(1)(b) of the MFDA Rules of Procedure, Staff consented to an extension of time for the delivery of a Reply by Dianne Stuart until January 5, 2015 and a Reply was served and filed by Dianne Stuart on January 5, 2015;

**AND WHEREAS** in accordance with s. 19.13 of MFDA By-Law No. 1, the first appearance in this hearing was held by teleconference before a public representative of the Central Regional Council of the MFDA (the “Hearing Panel”) on January 6, 2015;

**AND WHEREAS** counsel for Staff had not been contacted by the Trustee for W. H. Stuart or by Howard Stuart prior to the first appearance on January 6, 2015 and no Reply was served or filed on behalf of W. H. Stuart or Howard Stuart;

**AND WHEREAS** counsel for Staff and counsel for Dianne Stuart made submissions to the Hearing Panel at the first appearance with respect to scheduling and other procedural matters and counsel for Staff agreed to attempt to contact the Trustee for W. H. Stuart and Howard Stuart prior to the next appearance in this proceeding to try to determine the extent to which those parties intend to participate in this proceeding;

**IT IS HEREBY ORDERED THAT:**

1. The next appearance in this proceeding shall take place by teleconference on March 11, 2015 at 4:00 p.m. (Eastern), or as soon thereafter as the matter can be heard, for the purpose of providing an update on the status of the proceeding;
2. In accordance with Rule 10.1 of the MFDA Rules of Procedure, Staff shall provide disclosure to Dianne Stuart on or before Friday, May 15, 2015;
3. In accordance with Rule 10.2 of the MFDA Rules of Procedure, Dianne Stuart shall provide disclosure to Staff on or before Monday, June 15, 2015;

4. An appearance in this matter shall take place by teleconference on June 24, 2015 at 9:00 a.m. (Eastern), or as soon thereafter as the matter can be heard, for the purpose of addressing procedural matters including the scheduling of the hearing on the merits.

**DATED** this 6<sup>th</sup> day of January, 2015.

“Mark J. Sandler”

Mark J. Sandler

Chair

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