



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: Gabriele Gentile

ORDER

WHEREAS on December 21, 2011, the Mutual Fund Dealers Association of Canada (the “MFDA”) issued a Notice of Hearing pursuant to sections 20 and 24 of MFDA By-law No. 1 in respect of a disciplinary proceeding commenced against Gabriele Gentile (the “Respondent”);

AND WHEREAS the first appearance in this proceeding took place before a Hearing Panel of the Atlantic Regional Council of the MFDA (the “Hearing Panel”) on February 2, 2012, at which the Hearing Panel scheduled the date of April 19, 2012 for the hearing of a motion brought by the Respondent, and scheduled a further appearance on April 5, 2012 to discuss any procedural issues, including whether the motion shall be heard in writing or as an oral hearing;

AND WHEREAS a further appearance in this proceeding took place before the Hearing Panel on April 5, 2012, at which counsel for the Respondent and counsel for MFDA Staff appeared before the Hearing Panel via teleconference to discuss procedural issues pertaining to the Respondent’s motion;

AND WHEREAS the Respondent's motion for a dismissal of the Notice of Hearing was heard on April 19, 2012, at which counsel for the Respondent and counsel for MFDA Staff appeared before the Hearing Panel in person and made submissions with respect to the Respondent's motion;

AND WHEREAS the Hearing Panel dismissed the Respondent's motion as set out in the Hearing Panel's Decision and Reasons (Motion) dated May 8, 2012;

AND WHEREAS a further appearance in this proceeding took place before the Hearing Panel on August 30, 2012, at which counsel for the Respondent and counsel for MFDA Staff appeared before the Hearing Panel via teleconference and made submissions with respect to scheduling and other procedural matters, including proposed dates for the hearing on the merits;

AND WHEREAS on August 30, 2012, the Hearing Panel ordered that the hearing on the merits would be held on November 26 to 29, 2012, and also ordered other dates for procedural steps herein;

AND WHEREAS MFDA Staff brought a motion returnable on November 6, 2012, seeking directions with respect to various procedural issues, including amending the Notice of Hearing in this matter and rescheduling the hearing of this matter on its merits;

AND WHEREAS a further appearance in this proceeding took place before the Hearing Panel on November 6, 2012, at which counsel for the Respondent and counsel for MFDA Staff appeared before the Hearing Panel via teleconference and made submissions with respect to MFDA Staff's motion for directions and other scheduling and procedural matters;

AND WHEREAS on November 6, 2012, the Hearing Panel ordered that the hearing on the merits scheduled for November 26 to 29, 2012 be adjourned to be spoken to and rescheduled at an appearance before the Hearing Panel on January 10, 2013 at 10:00 a.m. (Atlantic) via teleconference;

AND WHEREAS MFDA Staff brought a motion dated December 31, 2012, returnable

January 10, 2013, seeking to amend the Notice of Hearing and other relief;

AND WHEREAS a further appearance in this proceeding took place before the Hearing Panel on January 10, 2013, at which counsel for the Respondent and counsel for MFDA Staff appeared before the Hearing Panel via teleconference and made submissions with respect to the hearing of MFDA Staff's motion and other scheduling and procedural matters;

IT IS HEREBY ORDERED THAT:

1. MFDA Staff shall serve and file, by February 4, 2013, all moving motion materials including any evidence, submissions and authorities;
2. The Respondent shall serve and file, by February 22, 2013, all responding materials including any evidence, submissions and authorities;
3. MFDA Staff shall serve and file, by March 8, 2013, all reply motion materials including any evidence, submissions and authorities;
4. The parties shall discuss whether MFDA Staff's Motion shall be heard in writing, orally via teleconference, or orally in person, and advise the MFDA hearings coordinator of the parties' positions; and
5. The parties shall appear before the Hearing Panel via teleconference on March 25, 2013 commencing at 10:00 a.m. (Atlantic) to speak to the matter, or if the parties agree that MFDA Staff's motion shall be heard orally, then it shall be heard orally by teleconference on March 25, 2013 at 10:00 a.m. (Atlantic).

DATED this 10th day of January, 2013.

"Thomas J. Lockwood"
Thomas J. Lockwood, Q.C.
Chair

“Ann C. Etter”

Ann C. Etter,
Industry Representative

“Darrell Bing”

Darrell Bing,
Industry Representative

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