

**IN THE COURT OF APPEAL FOR SASKATCHEWAN**

IN THE MATTER OF AN APPEAL FROM A DECISION OF  
THE SASKATCHEWAN FINANCIAL SERVICES COMMISSION  
PURSUANT TO *THE SECURITIES ACT, 1988*, S.S. 1988, c. S-42.2

BETWEEN

**INVESTMENT DEALERS ASSOCIATION OF CANADA**

APPELLANT/RESPONDENT BY CROSS-APPEAL  
(RESPONDENT)

- and -

**WADE DOUGLAS MACBAIN**

RESPONDENT/NON-PARTY ON CROSS-APPEAL  
(APPELLANT)

-and-

**KARL EDWARD NEUFELD**

RESPONDENT/NON-PARTY ON CROSS-APPEAL  
(APPELLANT)

-and-

**FREDERICK HENRY SMITH**

RESPONDENT/APPELLANT BY CROSS-APPEAL  
(APPELLANT)

-and-

**SASKATCHEWAN FINANCIAL SERVICES COMMISSION**

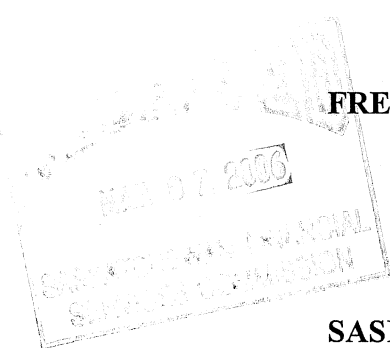
PARTY

(Pursuant to s.11(5) of *The Securities Act, 1988*)

**NOTICE OF MOTION FOR CROSS-APPEAL**

TAKE NOTICE:

1. THAT the Respondent, Frederick Henry Smith hereby cross-appeals from the Decision of the Saskatchewan Financial Services Commission (the "Commission") at issue in this appeal.



2. THAT the Respondent, Frederick Henry Smith seeks to have the Decision varied such that the appeal of Frederick Henry Smith to the Commission, which was dismissed by the Commission, be allowed.

3. THAT the cross-appeal is taken upon the following grounds:

(a) that Frederick Henry Smith is a person directly affected by the Decision of the Commission and is therefore entitled to appeal the Decision in accordance with s. 11 of *The Securities Act, 1988*,

(b) that the Commission erred in law by misinterpreting the common law regarding delay and abuse of process; and

(c) that the Commission erred in its application of the common law regarding delay and abuse of process in failing to find unreasonable delay in the Investment Dealers Association of Canada proceedings and resulting prejudice to Frederick Henry Smith

4. THAT the Respondent, Frederick Henry Smith requests the following relief:

(a) an Order overturning the Decision of the Commission to dismiss the appeal of Frederick Henry Smith,

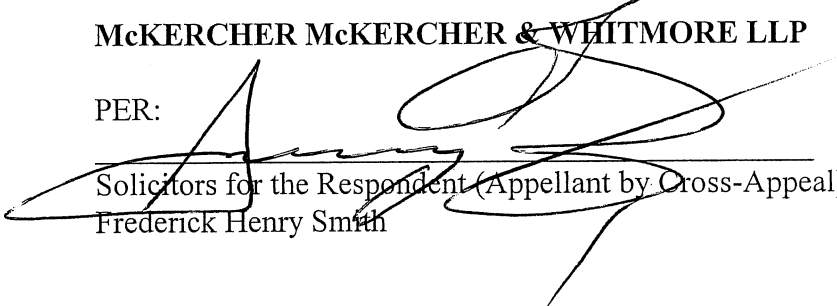
(b) an Order staying the proceedings of the Investment Dealers Association of Canada as against Frederick Henry Smith, and

(c) costs of this Cross-appeal.

DATED at Saskatoon, Saskatchewan, this 6<sup>th</sup> day of March, 2006.

**McKERCHER McKERCHER & WHITMORE LLP**

PER:

  
Solicitors for the Respondent (Appellant by Cross-Appeal),  
Frederick Henry Smith

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The lawyer in charge of the file is: Gregory A. Thompson

TO: The Appellant

Investment Dealers Association of Canada

Attn: Tamara Brooks/Jeff Kehoe

Address for Service: In Saskatchewan - unknown

TO: Saskatchewan Financial Services Commission

Director, Ms. Barbara Shourounis

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