

ALBERTA SECURITIES COMMISSION

Citation: Re Black Box Management Corp., 2024 ABASC 51

File No.: ENF-13198

Date: 20240328

NOTICE OF APPLICATION

In the Matter of: Black Box Management Corp., Invader Management Ltd. and Craig Michael Thompson

Applicant: Staff of the Alberta Securities Commission (Staff)

Respondents: Black Box Management Corp., Invader Management Ltd. and Craig Michael Thompson

Notice: Consent Application to Vary Interim Cease Trade Order, *Re Black Box Management Corp.*, 2023 ABASC 144, dated October 27, 2023 (**Interim Order**)

Order Sought

Staff request that the Alberta Securities Commission make the following order(s):

1. a variation of paragraph 6(f) of the Interim Order pursuant to section 214(1) of the *Securities Act*, RSA 2000, c S-4 (*Act*), so that the affidavits and other materials filed in support of the Interim Order remain confidential until the Interim Order expires at 6:00 p.m. (MST) on October 27, 2024; and
2. such further and other relief the panel deems just and appropriate.

Grounds

The grounds for the application are:

3. On October 24, 2023, Staff issued a Notice of Hearing against the Respondents seeking an Interim Order pursuant to sections 33 and 198 of the *Act*.
4. The Interim Order was granted on October 27, 2023. As noted at paragraph 5 of the Interim Order, the Respondents consented to the Interim Order. The Respondent, Craig Michael Thompson, represented himself at the hearing on October 27, 2023.
5. Section 45 of the *Act* directs that anything acquired and all information or evidence obtained pursuant to an investigation is confidential and shall not be disclosed, except as provided under section 45 of the *Act*.

6. Rule 11.1(b) of Commission Rule 15-501 *Rules of Practice and Procedure for Commission Proceedings* provides that materials filed in support of an application are public documents unless otherwise ordered or directed by the panel.
7. Paragraph 6(f) of the Interim Order directed that that until a Notice of Hearing arising from the investigation is issued, the Interim Cease Trade Order Notice of Hearing, the affidavits filed in support of Staff's application and all other evidence admitted at the hearing of Staff's application (**Interim Application Materials**) must remain confidential and must not be divulged except in accordance with section 45 of the *Act*.
8. Staff anticipate that the Executive Director will issue a Notice of Hearing arising from the investigation (**Merits Notice of Hearing**) imminently.
9. Paragraph 7 of the Interim Order states that the Interim order does not expire until October 27, 2024.
10. It would be a modest variation of paragraph 6(f) of the Interim Order and consistent with section 45 of the *Act* to direct that the confidentiality over the Interim Application Materials be maintained until the Interim Order expires.
11. After the Merits Notice of Hearing is issued, Staff anticipate that they will receive instructions to make a further application seeking an extension of the Interim Order, including the confidentiality order in paragraph 6(f), until the conclusion of the Merits Hearing.
12. Further, the Respondents are now represented by counsel. Respondents' counsel has confirmed to Staff that they consent to maintaining confidentiality over the Interim Application Materials, and consent to the variation of the Interim Order sought in this application.

Law

13. Section 214(1) of the *Act*.
14. Section 45 of the *Act*.
15. Part 11.1(b) of Commission Rule 15-501 *Rules of Practice and Procedure for Commission Proceedings*.

Materials

Staff rely on the following material or evidence:

16. Interim Cease Trade Order Notice of Hearing and affidavits that were filed in support of the application for the Interim Order.

Calgary, Alberta, 28 March, 2024.

) ALBERTA SECURITIES COMMISSION

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) *“Original Signed By”*

) Richard Van Dorp

) Senior Litigation Counsel