



Court File No. 16-70276

**ONTARIO
SUPERIOR COURT OF JUSTICE**

) WEDNESDAY, THE 23rd
)
) DAY OF NOVEMBER , 2022

B E T W E E N :

**THE ESTATE OF RODNEY SABOURIN,
BY ITS ESTATE TRUSTEE DAVID SABOURIN**

Plaintiff

and

**DESJARDINS FINANCIAL SECURITY INVESTMENTS INC., WORLDSOURCE
FINANCIAL MANAGEMENT INC., ASSANTE CAPITAL MANAGEMENT LTD.,
CONRAD EAGAN and ALISTAIR MELVILLE**

Defendants

PROCEEDING UNDER THE *CLASS PROCEEDINGS ACT, 1992*, S.O. 1992, c. 6

ORDER

THIS MOTION in writing, brought by the Plaintiff seeking an Order setting aside the noting in default of the Defendant Conrad Eagan, approving the discontinuance of this action on those terms pursuant to Section 29(1) of the *Class Proceedings Act, 1992*, S.O. 1992, c. 6 (the "*CPA*") and providing for notice of the discontinuance pursuant to Section 29(4) of the *CPA* was read this day at the Courthouse located at 161 Elgin Street, Ottawa, Ontario.

ON READING the Motion Record of the Plaintiff, including the Affidavit of Gordon Douglas sworn February 17, 2022 and the exhibits attached thereto;

AND ON BEING ADVISED of the Consent of the Plaintiff and the Defendants Desjardins Financial Security Investments Inc., Worldsource Financial Management Inc.,

Assante Capital Management Ltd. and Conrad Eagan to this Order, the Defendant Alistair Melville having been noted in default:

1. **THIS COURT ORDERS** that the noting in default of the Defendant Conrad Eagan be set aside;
2. **THIS COURT APPROVES** of the discontinuance of this action on consent;
3. **THIS COURT ORDERS** that this action be and is hereby discontinued without costs payable by any party to another party;
4. **THIS COURT ORDERS** that Spiteri & Ursulak LLP, counsel for the Plaintiff, will provide notice of the discontinuance of this action by posting:
 - (a) a short notice, substantially in the form attached hereto as Schedule A, stating the facts relating to the discontinuance; and
 - (b) a copy of this Orderon its website at <http://www.sulaw.ca/> for a minimum period of six months from the date of this Order.
5. **THIS COURT ORDERS** that there shall be no costs of this motion.

H. J. Williams, J.

Issuance Date; November 24 2022

Schedule A

NOTICE OF DISCONTINUANCE OF ONTARIO SUPERIOR COURT OF JUSTICE COURT FILE NO. 16-70276 AGAINST DESJARDINS FINANCIAL SECURITY INVESTMENTS INC., WORLDSOURCE FINANCIAL MANAGEMENT INC., ASSANTE CAPITAL MANAGEMENT LTD., CONRAD EAGAN and ALISTAIR MELVILLE

A lawsuit, commenced in October 2016, against Desjardins Financial Security Investments Inc., Worldsource Financial Management Inc., Assante Capital Management Ltd., Conrad Eagan and Alistair Melville in the Ontario Superior Court of Justice was discontinued by Order of the Court on [DATE].

The lawsuit was commenced as a proposed class action under the *Class Proceedings Act, 1992*, S.O. 1992, c. 6, alleging breach of fiduciary duty, breach of contract, breach of duty of care, negligence, conversion and unjust enrichment of the Defendants Conrad Eagan and Alistair Melville and negligence, breach of duty of care, breach of contract and vicarious liability for the conduct of the Defendant Conrad Eagan and/or Alistair Melville of the Defendants Desjardins Financial Security Investments Inc., Worldsource Financial Management Inc. and Assante Capital Management Ltd. The proposed Class was defined as all persons, including their estates, executors or personal representatives, other than the named Defendants and their immediate family members, in Canada who had investment accounts serviced by Conrad Eagan between January 1, 2006 and December 31, 2015 inclusive who transferred funds to bank accounts or corporations controlled by Conrad Eagan or Alistair Melville.

The Plaintiff, Rodney Sabourin, by his Litigation Guardian David Sabourn, claimed damages arising from an alleged investment scheme operated by the Defendants Conrad Eagan and Alistair Melville while one or both individual Defendants were allegedly employed by or affiliated with the Defendants Desjardins Financial Security Investments Inc., Worldsource Financial Management Inc. and Assante Capital Management Ltd. in which, it is alleged, the Defendant's Conrad Eagan and Alistair Melville misappropriated the Plaintiff's funds that were entrusted to the Defendants Conrad Eagan and Alistair Melville for the purpose of investment. It is alleged in the Plaintiff's claim that there were other investors who had funds misappropriated by the Defendants Conrad Eagan and Alistair Melville.

A discontinuance of the lawsuit means that it is not going forward or being pursued. If you are/were relying on this action to protect your rights, you should seek your own legal advice immediately. Discontinuance of the action means that any applicable limitation periods in respect of these claims, which may have been suspended, began running again on the date of the Order, and will ultimately expire (if they have not already done so).

Should you have any questions, please do not hesitate to contact:

Norman Mizobuchi at nm@sulaw.ca or 613-563-1010

OR

Spiteri & Ursulak LLP at info@sulaw.ca or 613-563-1010

**THE ESTATE OF RODNEY SABOURIN,
BY ITS ESTATE TRUSTEE DAVID
SABOURIN**

and
Plaintiff

**DESJARDINS FINANCIAL SECURITY
INVESTMENTS INC. et al.**

Defendants

ONTARIO
SUPERIOR COURT OF JUSTICE

PROCEEDING COMMENCED AT
OTTAWA

ORDER

SPITERI & URSULAK LLP

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