

# SUPERIOR COURT

CANADA  
PROVINCE OF QUEBEC  
DISTRICT OF QUÉBEC

No.: **200-11-025040-182**

DATE: July 5, 2018

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**PRESIDING: THE HONOURABLE RAYMOND W. PRONOVOST, J.S.C.**

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**AUTORITÉS DES MARCHÉS FINANCIERS**, a legally constituted corporation with its head office at 2640 Laurier Boulevard, 3<sup>rd</sup> Floor, Place de la Cité, Cominar Tower, Quebec City, Quebec, G1V 5C1

*Applicant*

v

**DOMINIC LACROIX**, domiciled and residing at 468 des Manitobains Street, Quebec City, Quebec, G2M 0M6

*Respondent*

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## ORDER

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[1] This is an *ex parte* and *in camera* application to order the appointment of a receiver.

[2] **CONSIDERING** the application and supporting affidavits;

[3] **CONSIDERING** the exhibits on file;

[4] **CONSIDERING** the urgency;

[5] **CONSIDERING** that the applicant has proven the allegations of its application and has established its merits.

**FOR THESE REASONS, THE COURT:**

- [6] **GRANTS** the application of the Autorité des marchés financiers;
- [7] **ABRIDGES** the presentation and scheduling timeframes;
- [8] **ORDERS** that the hearing on the present application be held in the absence of Lacroix in accordance with section 19.6 of the *Act respecting the Autorité des marchés financiers* (CQLR, c. A-33.2);
- [9] **GRANTS** Dominic Lacroix, upon his request, the right to be heard by the Court within ten (10) days of the judgment to be rendered on the application;
- [10] **ORDERS** that the hearing on the present application be held *in camera*, that Dominic Lacroix's name not appear on the docket nor the court's hearing schedule in the present proceeding and that the judgment to be rendered on the application be kept under seal in the court record until the application and judgment are duly served on Dominic Lacroix;
- [11] **ORDERS** any person who becomes aware of the application and the judgment to be rendered on the application to preserve the full confidentiality thereof until said application and judgment are duly served on Dominic Lacroix;
- [12] **ORDERS** the appointment of Emmanuel Phaneuf from the firm Raymond Chabot Administrateur Provisoire Inc. to act as receiver responsible for the administration of the Bitcoins possessed by, controlled by, held by or, entrusted to, Dominic Lacroix, granting the receiver the following powers, to the exclusion of any other person, that is:
- a) Allowing the receiver to take possession of all of Lacroix's property, without being required to do so;
  - b) Allowing the receiver to take possession of all Bitcoins possessed by, controlled by, held by, or entrusted to, Dominic Lacroix as well as all cash or other bank accounts that were not namely listed in the May 24, 2018 decision of the Financial Markets Administrative Tribunal;
  - c) Ordering the receiver to convert the Bitcoins into Canadian currency within a maximum time period of ten (10) business days [...] of the time limit for contestation provided for in section 19.6 of the *Act respecting the Autorité des marchés financiers*; it being understood that if Dominic Lacroix complies with the Tribunal's order of May 24, 2018 in the interim and transfers the Bitcoins to the portfolio address provided by the Autorité for that purpose, the latter will transfer such Bitcoins to the receiver;

- d) Ordering the receiver, in the interim, to ensure the preservation of the Bitcoins transferred and converted in a secure manner, it being specified that the receiver shall at no time be permitted to fulfill any of Dominic Lacroix's personal obligations towards third parties out of said Bitcoins;
- e) Ordering the receiver to keep the Bitcoins or the proceeds of the conversion thereof in Canadian currency in an account opened for that specific purpose until a competent court rules otherwise;

[13] **ANCILLARILY** authorizes the receiver, at any time and place, including the residence of Dominic Lacroix, even outside regular business hours, as well as any other place where Dominic Lacroix's assets are located, to require that any owner of such premises provide the receiver with a duplicate of the keys, cards or access codes enabling the receiver (or any person that he appoints to this purpose) to access the premises that the receiver deems required in order to fulfill his mission, in order to exercise all powers necessary to obtain, conserve, secure and preserve said Bitcoins, including but not limited to the following powers:

- a) Taking possession of all property that he deems necessary for this purpose, including but not limited to computers, cell phones, tablets, USB keys, hard drives, electronic cards, originals or copies of all documents containing corporate, financial, operational, contractual, legal or other information of any kind, relating to Lacroix's property that are in his possession or under his control, or in the possession or control of third parties, as well as any electronic equipment, programs, disks, USB keys, hard drivers or computers used to store such information and controlling access thereto for the purposes of his mandate;
- b) Retaining the services of a locksmith or law enforcement officials to provide access at any time to the locations referred to in the preceding paragraphs;
- c) Taking any investigative action in relation to the Bitcoins or the activities and financial situation of Dominic Lacroix and/or any entity or person directly or indirectly related to him, including but without limiting the generality of the foregoing:
  - i. All powers stated in the first paragraph of section 6 and sections 9 to 13 and 16 of the *Act respecting public inquiry commissions*, CQLR, c. C-37, in accordance with section 19.5 of the ARAMF;
  - ii. The power to proceed to the examination of any person who may know or have access to any information, document or thing relating to the Bitcoins or the activities and financial situation of Dominic Lacroix and/or any entity or person directly or indirectly related to him;

- iii. The power to order any person who may have access to any information, document or thing relating to Bitcoins or the activities and financial situation of Dominic Lacroix and/or any entity or person directly or indirectly associated with him, to provide the receiver with the original and/or a copy, in accordance with the receiver's instructions, of any such information, document or thing;

the whole at the location, date and time determined by the receiver and upon simple hand delivery or transmission by any means of communication, including mail, email or by bailiff, of a subpoena, it being understood that failure by any person to comply with such a power and such a subpoena will be deemed to be a violation of the order and therefore subject to all applicable legal sanctions, including contempt of court and the obtaining by the receiver of a warrant from a competent court, which shall issue the warrant upon demonstration that the person targeted by a subpoena did not comply with it;

- d) Retaining the services of accountants, lawyers or other persons to assist in carrying out his duties;
- e) Exercising any other power or function that the Court considers appropriate to enable the receiver to perform his duties;

[14] **ORDERS** Dominic Lacroix and any person informed of the judgment to be rendered on the present application to fully cooperate with the receiver in the exercise of the powers conferred to him by this judgment;

[15] **ORDERS** Dominic Lacroix and any person informed of the judgment to be rendered on the present application to provide the receiver with full access to information in their possession, upon simple request by the receiver acting in that capacity, including but without limiting the generality of the foregoing, all access codes or other information required in order to take possession and control of the Bitcoins targeted by the orders rendered in the May 24, 2018 decision of the Financial Markets Administrative Tribunal;

[16] **ORDERS** Dominic Lacroix and any person informed of the judgment to be rendered on the present application to not destroy any information or documents in any form, relating to said Bitcoins or from moving them to another place without the express authorization of the receiver;

[17] **RESERVES** the Autorité des marchés financiers' right to request, at any time, a rendering of accounts from the receiver within a timeframe that it will determine;

[18] **AUTHORIZES** the Autorité des marchés financiers and the receiver to make an application to the Tribunal at any time for directions concerning the exercise of its powers under the judgment to be rendered on the application;

[19] **AUTHORIZES** the receiver to take from the assets of Lacroix its fees and disbursements, including all fees and disbursements incurred by the receiver prior to the hearing date of the application, subject to approval by this Honourable Court;

**As a safeguard order:**

[20] **ORDERS** Dominic Lacroix to transfer, upon being served with this judgment, all Bitcoins in his possession, controlled or held by him or having been entrusted to him to the portfolio address created for this purpose by the receiver and that will be communicated to him by the receiver at the same time as the judgment is being served, so that it can exercise the specific powers mentioned above;

[21] **ORDERS** Dominic Lacroix to be present the business day after being served with this order at the Quebec City Courthouse, in room 3.21 at 9:30 a.m. to confirm to the Tribunal that he has transferred all Bitcoins in accordance with the previous paragraph and if he has not done so to present any means of defence he may have to avoid being in contempt of court with the Tribunal and being fined or given a prison sentence.

[22] **DECLARES** that the order is not subject to appeal, in accordance with section 19.14 of the *Act respecting the Autorité des marchés financiers*;

[23] **ORDERS** the provisional execution of the judgment to be rendered, notwithstanding any form of contestation;

[24] **ALLOWS** for this order to be served outside of legal hours and on non-judicial days.

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**RAYMOND W. PRONOVOST, j.s.c.**

Mtre Annie Parent  
Mtre Catherine Boilard  
Lawyers for the Autorité des marchés financiers

Mtre Hugo Babos-Marchand  
Borden Ladner Gervais LLP  
Lawyer for the receiver

Hearing date: July 5, 2018