

ALBERTA SECURITIES COMMISSION

NOTICE OF APPLICATION

Citation: Re Cohodes, 2018 ABASC 129

Docket: ENF-011492

Date: 20180803

To: Marc Culver Cohodes (**Respondent**)

NOTICE:

An application will be made to the Alberta Securities Commission (**Commission**) by Litigation Counsel of the Commission (**Staff**) on **Wednesday, August 15, 2018, at 9:00 a.m.** for an interim cease trade order pursuant to sections 33 and 198 of the *Securities Act*, RSA 2000, c S-4, as amended (*Act*), that the Respondent:

1. Cease trading in securities of Badger Daylighting Ltd. (**Badger**); and
2. Be prohibited from disseminating to the public, or authorizing the dissemination to the public, any statements relating to the business or operations of Badger that he knows or reasonably ought to know are misleading or untrue, or which fail to state a necessary fact for the statements not to be misleading.

GROUND FOR APPLICATION:

In support of the application, Staff will rely on grounds that include the following:

3. The Respondent:
 - 3.1 Holds a “short” position in securities of Badger, a company whose securities are listed for trading on the Toronto Stock Exchange;
 - 3.2 On June 27, 2018, misrepresented on social media a picture of a Badger truck as support for his allegation of illegal toxic dumping; and
 - 3.3 Has made numerous public claims of a similar nature over a period of more than a year, coinciding with the acquisition of his short position.
4. *Prima facie*, the Respondent has breached:
 - 4.1 Section 92(4.1)(a) of the *Act*, by making statements that he knew or reasonably ought to have known was misleading or untrue, or which failed to state a necessary fact for the statements not to be misleading; and

