

## **Sidney Stephen Antle**

### **Vancouver, BC**

**Called to the bar: March 17, 1987**

**Discipline hearing** : October 4, 2005

**Panel** : G. Glen Ridgway, QC, Chair, Gregory M. Rideout and Gordon Turriff, QC

**Report issued** : October 28, 2005 (indexed as 2005 LSBC 45)

**Counsel** : Herman Van Ommen, for the Law Society, and Geoffrey D. Cowper, QC, for Mr. Antle

### **Facts**

In 2001 Mr. Antle began acting for Mr. E to recover a debt owed him by Mr. D. Mr. E alleged that Mr. D had misappropriated computer technology from him, and in 1999 Mr. E had obtained a default judgment in California against Mr. D for \$36 million US.

Mr. D had a lengthy history of criminal and regulatory penalties for fraud-related offences. There was evidence that Mr. D had approximately \$19 million US on deposit with EBT, an offshore financial institution. There was also evidence that EBT held \$18.2 million in a Vancouver branch of a Canadian bank.

The US Securities and Exchange Commission (SEC) alleged that the funds deposited by Mr. D with EBT were the proceeds of fraudulent stock manipulations by Mr. D and his associates. The SEC was taking steps to try to obtain the \$18.2 million US held by EBT in the Canadian bank. In 2000 the BC Securities Commission ordered a freeze of the \$18.2 million and prohibited EBT from withdrawing those funds or the Canadian bank from paying them out.

On Mr. E's behalf, Mr. Antle pursued certain garnishment proceedings. In December 2002 he sought and obtained for Mr. E a garnishing order absolute against EBT in BC Supreme Court. However, the judge later set aside the garnishing order and found that Mr. Antle had failed to disclose all material facts.

Mr. Antle admitted that he had failed to disclose all material facts to the judge that may have influenced the judge's exercise of discretion, and that he ought to have disclosed the following:

- that the BC Securities Commission had issued an order prohibiting EBT from withdrawing the funds and the Canadian bank from paying them out;
- that there were other claimants to the funds held by EBT at the Canadian bank;
- that other claimants alleged that those funds were the product of Mr. D's fraudulent stock manipulations and that counsel for the SEC in BC had advised that the SEC intended to trace the proceeds;
- that Mr. Antle and counsel for other claimants were participating in a case management process to organize a hearing to determine entitlement to the funds and priorities between claimants.

The hearing panel accepted that Mr. Antle's failure to disclose information was not a deliberate attempt to mislead the court and that he honestly intended to discharge his duty.

### **Admission and Penalty**

Pursuant to Rule 4-22, Mr. Antle admitted that his conduct constituted professional misconduct. The

Discipline Committee and discipline hearing panel accepted Mr. Antle's admission and his proposed penalty, and ordered that he:

1. pay a \$10,000 fine; and
2. pay \$5,000 as costs.