

Basso, Michael

From: COAregistry <COAregistry@gov.nl.ca>
Sent: Monday, August 07, 2017 10:18 AM
To: Osborne, Philip; COAregistry
Cc: 'michelle.kellam@justice.gc.ca'; 'louis.robillard@retraitequebec.gouv.qc.ca'; 'bernard.boucher@blakes.com'; 'steven.weisz@blakes.com'; 'Terry Rowe'; 'aruca4@outlook.com'; 'njohnson@sympatico.ca'; 'ahatnay@kmlaw.ca'; 'atang@kmlaw.ca'; 'daleb@cooptel.qc.ca'; 'bquistgaard@pinklarkin.com'; 'snowflake59@hotmail.ca'; 'ebechardtorres@imk.ca'; 'dboudreault@plba.ca'; 'spenney@stewartmckelvey.com'; 'Joe J. Thorne'; 'twatt8@rogers.com'; Pritchard, Rolf; Rigaud, Sylvain
Subject: RE: 201701H0029 Pensions Reference

Regarding an Agreed Statement of Facts, the panel has decided as follows:

The Statement of Facts provided by the Attorney General of Newfoundland and Labrador is accepted for filing. That document will form part of the record which is to be filed and served without delay by the Attorney General.

Any party may, in its factum, (1) challenge the relevance of any specific paragraph; (2) address why any paragraph should not be relied upon; (3) point out factual errors, with supporting information.

It has been noted that, given the nature of a reference and focus of the questions, the Newfoundland and Labrador Superintendent of Pensions found it necessary to make only a few references to the Statement of Facts.

Koskie Minsky LLP, counsel for the Members of the Wabush Salaried Plan, having filed a factum on August 4, 2017 is asked to provide a corrigendum, as necessary, to ensure correct references to the Statement of Facts that has been accepted for filing.



Yvonne Fleming

Court Officer
Supreme Court of Newfoundland and Labrador
(Court of Appeal)
287 Duckworth Street
St. John's, NL, A1C 5M3
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From: Osborne, Philip
Sent: Thursday, July 27, 2017 2:58 PM
To: COAregistry <COAregistry@gov.nl.ca>

Cc: 'michelle.kellam@justice.gc.ca' <michelle.kellam@justice.gc.ca>; 'louis.robillard@retraitequebec.gouv.qc.ca' <louis.robillard@retraitequebec.gouv.qc.ca>; 'bernard.boucher@blakes.com' <bernard.boucher@blakes.com>; 'steven.weisz@blakes.com' <steven.weisz@blakes.com>; 'Terry Rowe' <TRowe@mwhslaw.com>; 'njohnson@nf.sympatio.ca' <njohnson@nf.sympatio.ca>; 'aruca4@outlook.com' <aruca4@outlook.com>; 'ahatnay@kmlaw.ca' <ahatnay@kmlaw.ca>; 'atang@kmlaw.ca' <atang@kmlaw.ca>; 'daleb@cooptel.qc.ca' <daleb@cooptel.qc.ca>; 'bquistgaard@pinklarkin.com' <bquistgaard@pinklarkin.com>; 'snowflake59@hotmail.ca' <snowflake59@hotmail.ca>; 'ebechardtorres@imk.ca' <ebechardtorres@imk.ca>; 'dboudreault@plba.ca' <dboudreault@plba.ca>; 'spenney@stewartmckelvey.com' <spenney@stewartmckelvey.com>; 'Joe J. Thorne' <joethorne@stewartmckelvey.com>; 'twatt8@rogers.com' <twatt8@rogers.com>; Pritchard, Rolf <rolfpritchard@gov.nl.ca>; 'Rigaud, Sylvain (sylvain.rigaud@nortonrosefulbright.com)' <sylvain.rigaud@nortonrosefulbright.com>

Subject: RE: 201701H0029 Pensions Reference

Hello,

These are the facts and evidence that the Attorney General wished the Court to consider as context for answering the Reference Questions.

Yours truly,

Philip Osborne

Philip Osborne
Manager of Civil Litigation
Office of the Attorney General
Department of Justice & Public Safety
Government of Newfoundland and Labrador

t (709) 729-0873, f (709) 729-2129

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From: Osborne, Philip

Sent: Tuesday, July 25, 2017 4:54 PM

To: COAregistry

Cc: 'michelle.kellam@justice.gc.ca'; 'louis.robillard@retraitequebec.gouv.qc.ca'; 'bernard.boucher@blakes.com'; 'steven.weisz@blakes.com'; 'Terry Rowe'; 'njohnson@nf.sympatio.ca'; 'aruca4@outlook.com'; 'ahatnay@kmlaw.ca'; 'atang@kmlaw.ca'; 'daleb@cooptel.qc.ca'; 'bquistgaard@pinklarkin.com'; 'snowflake59@hotmail.ca'; 'ebechardtorres@imk.ca'; 'dboudreault@plba.ca'; 'spenney@stewartmckelvey.com'; 'Joe J. Thorne'; 'twatt8@rogers.com'; Pritchard, Rolf; Rigaud, Sylvain (sylvain.rigaud@nortonrosefulbright.com)

Subject: RE: 201701H0029 Pensions Reference

Hello,

We have been attempting to get relative agreement on the Statement of Facts by incorporating comments received and we believed that the last version of the Statement of Facts would be acceptable. Attached is our latest version. If parties object further, we are at a loss as to how we could achieve consensus. Understanding that this does not constitute an agreed statement of facts, the Attorney General proposes that this Statement of Facts and the attachments provide the context to the Court for answering the Reference Questions.

Yours truly,

Philip Osborne

Philip Osborne
Manager of Civil Litigation
Office of the Attorney General
Department of Justice & Public Safety
Government of Newfoundland and Labrador

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From: Rigaud, Sylvain [<mailto:sylvain.rigaud@nortonrosefulbright.com>]

Sent: Monday, July 24, 2017 11:26 AM

To: COARegistry

Cc: 'michelle.kellam@justice.gc.ca'; 'louis.robillard@retraitequebec.gouv.qc.ca'; 'bernard.boucher@blakes.com'; 'steven.weisz@blakes.com'; 'Terry Rowe'; 'njohnson@nf.sympatio.ca'; 'aruca4@outlook.com'; 'ahatnay@kmlaw.ca'; 'atang@kmlaw.ca'; 'daleb@cooptel.qc.ca'; 'bquistgaard@pinklarkin.com'; 'snowflake59@hotmail.ca'; 'ebechardtorres@imk.ca'; 'dboudreault@plba.ca'; 'spenney@stewartmckelvey.com'; 'Joe J. Thorne'; 'twatt8@rogers.com'; Osborne, Philip; Pritchard, Rolf

Subject: 201701H0029 Pensions Reference

We reiterate our previous comments and confirm that we have no further comments to make.

Best regards,

Sylvain Rigaud
Partner

Norton Rose Fulbright Canada S.E.N.C.R.L., s.r.l. / LLP
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NORTON ROSE FULBRIGHT

De : COARegistry [<mailto:COARegistry@gov.nl.ca>]

Envoyé : 21 juillet 2017 14:41

À : Pritchard, Rolf; COARegistry

Cc : 'michelle.kellam@justice.gc.ca'; 'NotificationPGC-AGC.civil@justice.gc.ca'; 'louis.robillard@retraitequebec.gouv.qc.ca'; 'bernard.boucher@blakes.com'; 'steven.weisz@blakes.com'; 'Terry Rowe'; Rigaud, Sylvain; 'njohnson@nf.sympatio.ca'; 'aruca4@outlook.com'; 'ahatnay@kmlaw.ca'; 'atang@kmlaw.ca'; 'daleb@cooptel.qc.ca'; 'bquistgaard@pinklarkin.com'; 'snowflake59@hotmail.ca'; 'ebechardtorres@imk.ca'; 'dboudreault@plba.ca'; 'spenney@stewartmckelvey.com'; 'Joe J. Thorne'; 'twatt8@rogers.com'; Osborne, Philip

Objet : RE: 201701H0029 Pensions Reference

Are all parties in agreement to the final draft of the Statement of Facts? Please advise the court by Monday.



Yvonne Fleming

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From: Pritchard, Rolf

Sent: Friday, July 21, 2017 1:26 PM

To: COAregistry <COAregistry@gov.nl.ca>

Cc: 'michelle.kellam@justice.gc.ca' <michelle.kellam@justice.gc.ca>; 'NotificationPGC-AGC.civil@justice.gc.ca' <NotificationPGC-AGC.civil@justice.gc.ca>; 'louis.robillard@retraitequebec.gouv.qc.ca' <louis.robillard@retraitequebec.gouv.qc.ca>; 'bernard.boucher@blakes.com' <bernard.boucher@blakes.com>; 'steven.weisz@blakes.com' <steven.weisz@blakes.com>; 'Terry Rowe' <TRowe@mwhslaw.com>; 'sylvain.rigaud@nortonrosefulbright.com' <sylvain.rigaud@nortonrosefulbright.com>; 'njohnson@nf.sympatio.ca' <njohnson@nf.sympatio.ca>; 'aruca4@outlook.com' <aruca4@outlook.com>; 'ahatnay@kmlaw.ca' <ahatnay@kmlaw.ca>; 'atang@kmlaw.ca' <atang@kmlaw.ca>; 'daleb@cooptel.qc.ca' <daleb@cooptel.qc.ca>; 'bquistgaard@pinklarkin.com' <bquistgaard@pinklarkin.com>; 'snowflake59@hotmail.ca' <snowflake59@hotmail.ca>; 'ebechardtorres@imk.ca' <ebechardtorres@imk.ca>; 'dboudreault@plba.ca' <dboudreault@plba.ca>; 'spenney@stewartmckelvey.com' <spenney@stewartmckelvey.com>; 'Joe J. Thorne' <joethorne@stewartmckelvey.com>; 'twatt8@rogers.com' <twatt8@rogers.com>; Osborne, Philip <PhilipOsborne@gov.nl.ca>

Subject: RE: 201701H0029 Pensions Reference

Please find attached a further revised Statement of Facts and Exhibit in final form upon which the AG of NL intends to rely.

Kindest Regards

Rolf Pritchard, Q.C.
Director – Civil Division
Office of the Attorney General
Department of Justice & Public Safety
Government of Newfoundland and Labrador

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From: COAregistry

Sent: Thursday, July 20, 2017 4:01 PM

To: Osborne, Philip

Cc: Pritchard, Rolf; 'michelle.kellam@justice.gc.ca'; 'NotificationPGC-AGC.civil@justice.gc.ca'; 'louis.robillard@retraitequebec.gouv.qc.ca'; 'bernard.boucher@blakes.com'; 'steven.weisz@blakes.com'; 'Terry Rowe';

'sylvain.rigaud@nortonrosefulbright.com'; 'njohnson@nf.sympatio.ca'; 'aruca4@outlook.com'; 'ahatnay@kmlaw.ca'; 'atang@kmlaw.ca'; 'daleb@cooptel.qc.ca'; 'bquistgaard@pinklarkin.com'; 'snowflake59@hotmail.ca'; 'ebechardtorres@imk.ca'; 'dboudreault@plba.ca'; 'spenney@stewartmckelvey.com'; 'Joe J. Thorne'; 'twatt8@rogers.com'
Subject: 201701H0029 Pensions Reference

The Court has received your revised Statement of Facts. Subsequently, comments from Mr. Rigaud and Mr. Robillard were received. Please advise the Court and the other parties what your response to these is, and provide a further revised Statement of Facts, as necessary.

The Court also draws your attention to the schedule resulting from the June 9, 2017 hearing. The Record was expected to be filed by June 30. Your factum and that of the Superintendent of Pensions for Newfoundland and Labrador are scheduled to be filed by July 26, 2017.



Yvonne Fleming

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