
Citation: *Fredericton Police Association v. New Brunswick (Superintendent of Pensions)*, 2019 NBFCST 8

PROVINCE OF NEW BRUNSWICK
FINANCIAL AND CONSUMER SERVICES TRIBUNAL
IN THE MATTER OF THE *PENSION BENEFITS ACT*, S.N.B. 1987, c P-5.1

Date: 2019-06-07
Docket: PE-001-2018

BETWEEN:

**Fredericton Police Association, Local 911 United Brotherhood of
Carpenters and Joiners of America and Applicant 2, Fredericton Fire
Fighters Association, International Association of Fire Fighters, Local
1053 and Applicant 4,**

Applicants,

-and-

Superintendent of Pensions and The City of Fredericton,

Respondents.

ORDER

WHEREAS:

1. On April 4, 2019, the Tribunal rendered a decision ordering the City of Fredericton to produce documents to the Appellants by May 15, 2019.
2. On May 14, 2019, the City of Fredericton notified the Tribunal that they would not be able to produce the documents by the May 15, 2019 deadline.

3. The Tribunal directed the City of Fredericton to file a motion seeking an extension of the May 15, 2019 deadline by no later than May 31, 2019.
4. The City of Fredericton contends it will need until July 25, 2019 to produce the documents identified in the April 4, 2019 Decision.
5. The Superintendent of Pensions consents to the City of Fredericton's request for an extension of time.
6. The Appellants do not oppose the City of Fredericton's request for an extension of the May 15, 2019 deadline for production of the City's documents. However, the Appellants ask that the timetable set out in paragraph 95 of the April 4, 2019 Decision be adjusted. They further contend that the Tribunal should grant them a period of two weeks following receipt of the City of Fredericton's documents to advise the Tribunal how much additional time they believe will be necessary for their expert to finish his report.
7. The parties have not requested an adjournment of the hearing dates for the appeal.
8. This appeal is scheduled to be heard from September 23 to 27, 2019. Given the difficulty securing these hearing dates, adjourning these hearing dates would cause significant delay in the disposition of this appeal.

THEREFORE, IT IS HEREBY ORDERED THAT:

1. The City of Fredericton's request for an extension is granted and it shall have until July 18, 2019 to provide the documents identified in the Tribunal's April 4, 2019 Decision to the Appellants;
2. The timeline set out in the April 4, 2019 Decision is amended to the following:
 - a) The Appellants shall provide their notice of expert testimony and expert witness report by August 15, 2019 in accordance with rule 10.6 of the *Rules of Procedure*;
 - b) The Appellants shall provide any additional documents they intend to rely on at the hearing to all other parties and the Registrar by August 15, 2019 in accordance with rule 10.3 of the *Rules of Procedure*;
 - b) The Respondents shall provide their notice of expert testimony and expert witness report by August 26, 2019 in accordance with rule 10.6 of the *Rules of Procedure*;
 - d) The Respondents shall provide any additional documents they intend to rely on at the hearing to all other parties and the Registrar by August 26, 2019 in accordance with rule 10.3 of the *Rules of Procedure*;
 - e) All parties shall provide their summaries of witnesses' testimony, which shall include a list of all witnesses the party intends to call, other than expert witnesses, together with a description of the anticipated testimony of each witness to all other parties and the

Registrar by September 3, 2019;

- f) The Appellants shall file their Statements of Position by September 9, 2019; and
- g) The Respondents shall file their Statements of Position by September 16, 2019.

DATED this 7th day of June 2019.

Judith Keating, Q.C.

Judith Keating, Q.C.
Tribunal Chair