

January 13, 2025

Carr, Stevenson & MacKay
65 Queen Street
Charlottetown, PE C1A 4A5

Attention: Nicole M. McKenna

Dear Ms. McKenna:

Re: Retail Petroleum Outlet License from D.P. Murphy Inc.
Our File Reference: 24329-001dk

We are writing to you further to an exchange of correspondence that commenced on December 5, 2024, in which we, as counsel for the respondent in the above noted matter, requested an extension to file our expert reports to January 24, 2025.

As you will recall, the basis for the request for the extension was due entirely to a health issue with [REDACTED] of the respondent. As a result of his health issues, there was a significant period of time during which [REDACTED] was unable to communicate with us, and his other professional advisors, who have been engaged to provide and file expert reports in this particular matter. In short, the ability to obtain instructions so as to move forward towards this hearing, which is a serious and significant matter for his business, was effectively negated.

As noted, the extension request for filing materials did not result in a need to delay or adjust the hearing dates in this particular matter as the filing of our evidence would still be approximately four weeks prior to the established hearing dates.

Counsel for the applicant advised in correspondence dated December 10, 2024, that it required a minimum two week timeline to reply to the pre-hearing submissions and/or expert reports filed on behalf of our client, although it had previously indicated that they would not be filing any such information and would be ready for a hearing within fourteen (14) days of the filing of expert evidence.

Based upon the previous health issues experienced by [REDACTED], and the delays that it caused, our expert reports are not going to be in a position to be filed on January 10, 2025.

Significant efforts have been made to try and meet this date, though to be in a position to file comprehensive, completed reports, based on the ability to engage with, meet, and discuss a variety of matters with our client, that is simply not going to be possible.

However, we are advised that a filing date of January 20, 2024 could be met.

From our perspective, this would still allow the materials to be provided to the applicant, and provide for a two week reply period if needed, without adjusting the hearing dates.

We believe that this approach allows the hearing to proceed as scheduled while still complying with principles of administrative fairness being given to all concerned.

Should there be a desire to have a conference call between the parties to discuss this matter, please advise. Otherwise, we look forward to hearing from you at your first opportunity.

Yours very truly,



Derek D. Key, K.C.

DDK/rpm

c.c.: Client