

**From:** [Howatt's Shell](#)  
**To:** [Nicole McKenna](#)  
**Cc:** [Gary Demeulenaere](#); [Hilary Newman](#); [Ryan MacDonald](#)  
**Subject:** Re: Summary of Preliminary Hearing (PD527)  
**Date:** February 21, 2025 4:30:37 PM

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Hi Howatt's reserves the right to file additional materials in response to the two letters of support that were accepted today. As you are aware, my brother/business partner is traveling today, and on his return to the island, we will confirm when and if additional materials will be filed. However, like Ceretti's, if we are to file, we would not be in a position to do so prior to the start of the hearing.

Thanks  
Nic

Sent from my iPhone

On Feb 21, 2025, at 3:51 PM, Nicole McKenna <[nmckenna@csmlaw.com](mailto:nmckenna@csmlaw.com)> wrote:

Good afternoon,

Thank you again for your attendance at today's preliminary hearing.  
Following is a summary of procedural matters discussed today:

1. DP Murphy's two witnesses, Danny Murphy and Chris Robertson, will be participating virtually. The Commission will provide links to the virtual platform in advance of the hearing.

Should either intervener (Ceretti's or Howatt's) seek to rely on documents for the purposes of cross-examination, they will provide those documents to me, as Commission counsel, by 12:00 p.m. on Monday, February 24, 2025. I will hold the documents in confidence and will not provide the documents to the hearing panel, the parties or the witnesses. If Mr. MacDonald or Mr. Howatt seeks to rely on any of the confidential documents in the course of their cross-exam, the document(s) will be communicated to the witness via email at that time. The requirements for documents filed during a hearing (including the requirements in Rule 47) must still be complied with. This includes the requirement to provide sufficient paper copies for the hearing panel, staff, opposing parties and witness.

2. On the consent of the parties, the MRSB Report filed by Ceretti's will not be posted to the Commission website. The MRSB Report may be used by the parties and the Commission in the course of the hearing without limitation. The MRSB Report may also be referred to in the Commission's written decision.
3. Although the Notice of Hearing states that there will be a live audio broadcast of the hearing, the Commission plans to livestream a video broadcast of the hearing, to the extent possible.
4. As extensive public consultation has occurred, there will be no further public consultation in advance of the hearing.
5. DP Murphy does not intend to object to the qualification of Lloyd Compton as an expert to speak to his report. Ceretti's does not intend to object to the qualification of Chris Robertson, but reserves the right to question Mr. Robertson as to his relevant experience, etc.
6. DP Murphy's two letters of support, being a letter from Robert K. Irving (Cavendish Farms) dated February 18, 2025, and an undated letter from Andrew W. Keith (SFX Transport), are accepted for filing and will form part of the record.

The interveners, Howatt's and Ceretti's, will have the opportunity to reply. Mr. MacDonald and Mr. Howatt will advise by the end of day how long they will reasonably need to reply. If the interveners are unable to reply prior to the scheduled hearing, the Commission is prepared to consider alternate hearing dates.

A Procedural Order will be issued with respect to Howatt's request for further public consultation, Ceretti's request for confidentiality, DP Murphy's request to file letters of support, and the interveners' opportunity to reply.

**Nicole McKenna**  
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