
Citation: *Crandall v. Investment Industry Regulatory Organization of Canada*, 2018 NBFCST 3

PROVINCE OF NEW BRUNSWICK
FINANCIAL AND CONSUMER SERVICES TRIBUNAL
IN THE MATTER OF THE *SECURITIES ACT*, S.N.B. 2004, c s-5.5

Date: 2018-04-23
Docket: SE-001-2017

BETWEEN:

Robert A. Crandall,

Applicant,

-and-

Investment Industry Regulatory Organization of Canada,

Respondent.

ORDER

Restriction on publication: This Order has been anonymized to comply with the *Right to Information and Protection of Privacy Act*, S.N.B. 2009, c. R-10.6.

WHEREAS:

1. On November 27, 2017, the Tribunal issued a Summons to Witness to Mr. C of National Bank Financial ordering him to testify at a December 15, 2017 hearing of an interlocutory motion and to bring the following documents:
 - a) personal and work notes and note pads of Robert Crandall from 2006 to July 1, 2012,
 - b) trade tickets pertaining to the Complainant or the Complainant's Holding Company with notes inscribed thereon by Robert Crandall from 2006 to July 1, 2012,

- c) telephone notepads showing all incoming and outgoing phone calls between Robert Crandall and the Complainant and the Complainant's Holding Company from 2006 to July 1, 2012,
 - d) e-mails exchanged between Robert Crandall and the Complainant or the Complainant's Holding Company from 2006 to July 1, 2012,
 - e) a copy of all recorded incoming and outgoing mail between Robert Crandall and the Complainant or the Complainant's Holding Company from 2006 to July 1, 2012, and
 - f) all correspondence to the Complainant or the Complainant's Holding Company regarding quarterly reviews from 2006 to July 1, 2012.
2. Mr. C appeared at the December 15, 2017 motion, but did not produce any of the documents indicated in the Summons to Witness;
 3. On January 19, 2018, the Tribunal ordered that Mr. Crandall's grounds for review be severed and the ground for review dealing with access to documents proceed to a hearing before the remaining grounds;
 4. The hearing on the merits in relation to the ground for review dealing with access to documents was to be held on April 25, 26 and 30, 2018;
 5. On April 9, 2018, McInnes Cooper, counsel for Mr. C., sent correspondence to the Registrar of the Tribunal advising that National Bank Financial has identified archived file records which may include files of Mr. Crandall and has arranged for the retrieval of these archived file records;
 6. On April 10, 2018, Crawley MacKewn Brush, counsel for the Investment Industry Regulatory Organization of Canada [IIROC], sought the deferral of the April 10, 2018 deadline to file its *Statement of Position* (Form 14) given the April 9, 2018 letter from McInnes Cooper;
 7. The parties consent to the adjournment of the hearing on the merits;

THEREFORE, IT IS HEREBY ORDERED THAT:

8. The hearing on the merits is adjourned;
9. IIROC shall have until April 27, 2018 to review the material uncovered by National Bank Financial and to disclose to Mr. Crandall any material relevant to the proceedings or identified in the November 27, 2017 Summons to Witness mentioned above;

10. Upon receipt of the material referenced in paragraph 8, Mr. Crandall shall have 7 days to advise the Registrar of the Tribunal how many additional documents were disclosed to him by IIROC.

DATED at the City of Saint John this 23rd day of April, 2018.

Judith Keating, Q.C.

Judith Keating, Q.C.
Tribunal Chair

Raoul Boudreau

Raoul Boudreau
Tribunal Member

Gerry Legere

Gerry Legere
Tribunal Member