

September 20, 2007

Le 20 septembre 2007

Coram: Binnie, Deschamps and Abella JJ.

Coram : Les juges Binnie, Deschamps et Abella

BETWEEN:

Craig Melanson, Larry Amirault, John Arseneault, Thomas Banks, Paul Bastarache, Gerald Bell, Ronald Berube, Dean Blaney, Gerald Blaney, Henry Blaney, Lionel Bouchard, Norman Boucher, Henry Bourgeois, Noel Bourgoin, Robert Brawn, Elmo Brewer, J. Elliott Bridges, Maurice Brisson, Donald Brooks, Marshall Brown, Shirley Brown, G. Herb Burtt, George Chase, Gary Clark, Wilson Clarkson, Reginald Collett, Edgar Comeau, Ambrose Connors, Basil Crain, Andrew Cronkhite, Dale Culligan, Klaas DeBoer, Donald DeGagne, John Dempsey, Willis Dempsey, Thomas d'Entremont, Douglas Derrick, John Deweyert, Gilles Dion, Arnold Dore, Medley Dore, Roger Durepos, Marcel Filteau, David Freeman, Earl Gallagher, Gerald Gaudreau, B. (Judd) Giberson, Arthur Gillingham, Claude Grant, Delton Grant, Lester Grant, Lewis Grant, Ralph Grant, Richard Grant, Robert Grant, Russell Grant, James Grennan, Donald Harris, Randolph Harrison, Arnold Hickey, Donald Hickey, Eugene Hill, George Hill, William Howard, S. Bill Hughson, William Ingram, Claude Jean, David Johnsen, H. Wayne Keswick, Wallace Ketch, Sandor Kovacs, Merel Lanteigne, J. Donald Lavigne, Robin Lawson, Maurice LeBlanc, Philippe Leger, Guertin Levesque, Tim Hennesy, Gaylon Lindsay, Lewis Love, Albert Luimes, Wendell MacArthur, Robert MacFarlane,

ENTRE :

Craig Melanson, Larry Amirault, John Arseneault, Thomas Banks, Paul Bastarache, Gerald Bell, Ronald Berube, Dean Blaney, Gerald Blaney, Henry Blaney, Lionel Bouchard, Norman Boucher, Henry Bourgeois, Noel Bourgoin, Robert Brawn, Elmo Brewer, J. Elliott Bridges, Maurice Brisson, Donald Brooks, Marshall Brown, Shirley Brown, G. Herb Burtt, George Chase, Gary Clark, Wilson Clarkson, Reginald Collett, Edgar Comeau, Ambrose Connors, Basil Crain, Andrew Cronkhite, Dale Culligan, Klaas DeBoer, Donald DeGagne, John Dempsey, Willis Dempsey, Thomas d'Entremont, Douglas Derrick, John Deweyert, Gilles Dion, Arnold Dore, Medley Dore, Roger Durepos, Marcel Filteau, David Freeman, Earl Gallagher, Gerald Gaudreau, B. (Judd) Giberson, Arthur Gillingham, Claude Grant, Delton Grant, Lester Grant, Lewis Grant, Ralph Grant, Richard Grant, Robert Grant, Russell Grant, James Grennan, Donald Harris, Randolph Harrison, Arnold Hickey, Donald Hickey, Eugene Hill, George Hill, William Howard, S. Bill Hughson, William Ingram, Claude Jean, David Johnsen, H. Wayne Keswick, Wallace Ketch, Sandor Kovacs, Merel Lanteigne, J. Donald Lavigne, Robin Lawson, Maurice LeBlanc, Philippe Leger, Guertin Levesque, Tim Hennesy, Gaylon Lindsay, Lewis Love, Albert Luimes, Wendell MacArthur, Robert MacFarlane,

Robert MacLean, Darrell MacQuarrie,
Roland Mallet, Roger Martel, Merle Martin,
Leon Mazerolle, Kenneth McConaghy,
Reginald McConaghy, Bernadette
McGregor, Glen McGuire, Lone McHatten,
Harold McKay, Murray (Sonny) McLellan,
Brendan McMullen, J. Craig Melanson,
Everett Miller, Arwood Moorcroft, Berton
Morecraft, Robert Morrison, Roderick
Murphy, Ronald Nicholson, Timothy Noel,
Lauza Martin, Garry Norrad, E. Doug
Ogden, George O'Keefe, Robert Palmer,
Curtis Parker, Michael Patterson, Abigail
Paul, William Pawsey, Royden Piercy,
Marcus Pike, William Power, Reginald
Rathwell, Gordon Reinhart, Donald Robart,
Gerald Robbins, Ronald Robichaud, Keith
Rodgers, Ronald Roy, Sydney Ryan, Charles
Schriver, Donald Schriver, Wayne Schriver,
Earl Scott, M. Shannon, David Sharp, Glen
Sloat, Irene St. Michael, Kenneth St.
Michael, Archie Stairs, Paul Stairs, John
Stewart, Donnie Stone, Gerald Stone,
Thomas Sullivan, Harold Swan, Roland
Tardif, Kenneth Taylor, Raymond Thebeau,
Vital Thebeau, Roch Theriault, J. Raymond
Thibodeau, Charles Thompson, Arnold
Thornton, Delmont Thornton, Paul
Thornton, Clifford Tomlinson, Daniel
Tonner, Lloyd Watson, David Webb, John
Whalen, Robert Wilson, Russell Wilson,
Minto Wong, Peter Wong, and P. Kerry
Giberson, (hereinafter called Group "A"),
and Dale Armstrong, Richard Barrow,
Ronald Blaney, Gary Boone, James R.
Boulter, Dave Bradbury, Vera Bradbury,
Joseph B. Brawn, Rodney Brewer, Joseph
W. Broczkowski, Rex Brown, Gary C.
Bunnell, Ernerst Chatterton, Gerald E.
Clark, Bob Connon, Raymond F. Craig, Don

Robert MacLean, Darrell MacQuarrie,
Roland Mallet, Roger Martel, Merle Martin,
Leon Mazerolle, Kenneth McConaghy,
Reginald McConaghy, Bernadette
McGregor, Glen McGuire, Lone McHatten,
Harold McKay, Murray (Sonny) McLellan,
Brendan McMullen, J. Craig Melanson,
Everett Miller, Arwood Moorcroft, Berton
Morecraft, Robert Morrison, Roderick
Murphy, Ronald Nicholson, Timothy Noel,
Lauza Martin, Garry Norrad, E. Doug
Ogden, George O'Keefe, Robert Palmer,
Curtis Parker, Michael Patterson, Abigail
Paul, William Pawsey, Royden Piercy,
Marcus Pike, William Power, Reginald
Rathwell, Gordon Reinhart, Donald Robart,
Gerald Robbins, Ronald Robichaud, Keith
Rodgers, Ronald Roy, Sydney Ryan, Charles
Schriver, Donald Schriver, Wayne Schriver,
Earl Scott, M. Shannon, David Sharp, Glen
Sloat, Irene St. Michael, Kenneth St.
Michael, Archie Stairs, Paul Stairs, John
Stewart, Donnie Stone, Gerald Stone,
Thomas Sullivan, Harold Swan, Roland
Tardif, Kenneth Taylor, Raymond Thebeau,
Vital Thebeau, Roch Theriault, J. Raymond
Thibodeau, Charles Thompson, Arnold
Thornton, Delmont Thornton, Paul
Thornton, Clifford Tomlinson, Daniel
Tonner, Lloyd Watson, David Webb, John
Whalen, Robert Wilson, Russell Wilson,
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Ronald Blaney, Gary Boone, James R.
Boulter, Dave Bradbury, Vera Bradbury,
Joseph B. Brawn, Rodney Brewer, Joseph
W. Broczkowski, Rex Brown, Gary C.
Bunnell, Ernerst Chatterton, Gerald E.
Clark, Bob Connon, Raymond F. Craig, Don

Cullingham, Lawrence G. Derrick, Charles A. Dickinson, Eugene Dickinson, Patricia Diduch, Mrs. Richard Dixon, James Fearnley, Brian D. Feero, Anita Firlotte (Floyd), Kenneth Flewelling, Malcolm G. Fox, Beecher R. Foster, Ronald B. Foster, Dana Fox, Carl Gavel, Kenneth Gallagher, Alexander Graham, Eldon Gregoire, Jean-Paul Hachey, Hugh Hambly, Victor Hape, Cliff Hartley, Arthur E. Hatfield, Wayne R. Hathaway, James E. Hay, Gary Hinton, Alex Hoffman, Doug Homer, Beverly Jacobson, Darryl J. Jardine, David Jones, Raymond G. Kaine, Clarence G. Koenig, Carl J. Konefal, Bernard A. Lameh, Lazade Landry, Alonzo Lanteigne, Charles E. MacKillop, Winston J. MacKinnon, Hubert Matheson, David McConaghy, Ralph McCutcheon, Glen McGaghey, Rod McGilvery, C. Neil McKay, Bernie McKinnon, Darrell A. McLellan, John D. Mercer, John E. Montgomery, Dave Moore, Herbert Morell, Robert Murphy, Gary Nason, Clifford Orr, Eileen (Jean) Pellerin, Dale Pike, Claude R. Plourde, Weldon J. Pollock, Pete Quinn, Gerald D. Raymond, Trevor Ridley, Mike Robitaille, Donald E. Rockwell, Norman E. Rohovich, Armand E. Roussel, Harry W. Seymour, William E. Shephard, Reginald G.K. Sherren, Fred Somerville, Barry Stephen, Lloyd Sutherland, Richard Taylor,

Zenas W. Thornton, Brian E. Toole, Elwood A. Tracy, Adolf Wawer and Lebaron Wood, (hereinafter called Group "B")

Applicants

Cullingham, Lawrence G. Derrick, Charles A. Dickinson, Eugene Dickinson, Patricia Diduch, Mrs. Richard Dixon, James Fearnley, Brian D. Feero, Anita Firlotte (Floyd), Kenneth Flewelling, Malcolm G. Fox, Beecher R. Foster, Ronald B. Foster, Dana Fox, Carl Gavel, Kenneth Gallagher, Alexander Graham, Eldon Gregoire, Jean-Paul Hachey, Hugh Hambly, Victor Hape, Cliff Hartley, Arthur E. Hatfield, Wayne R. Hathaway, James E. Hay, Gary Hinton, Alex Hoffman, Doug Homer, Beverly Jacobson, Darryl J. Jardine, David Jones, Raymond G. Kaine, Clarence G. Koenig, Carl J. Konefal, Bernard A. Lameh, Lazade Landry, Alonzo Lanteigne, Charles E. MacKillop, Winston J. MacKinnon, Hubert Matheson, David McConaghy, Ralph McCutcheon, Glen McGaghey, Rod McGilvery, C. Neil McKay, Bernie McKinnon, Darrell A. McLellan, John D. Mercer, John E. Montgomery, Dave Moore, Herbert Morell, Robert Murphy, Gary Nason, Clifford Orr, Eileen (Jean) Pellerin, Dale Pike, Claude R. Plourde, Weldon J. Pollock, Pete Quinn, Gerald D. Raymond, Trevor Ridley, Mike Robitaille, Donald E. Rockwell, Norman E. Rohovich, Armand E. Roussel, Harry W. Seymour, William E. Shephard, Reginald G.K. Sherren, Fred Somerville, Barry Stephen, Lloyd Sutherland, Richard Taylor,

Zenas W. Thornton, Brian E. Toole, Elwood A. Tracy, Adolf Wawer et Lebaron Wood, (hereinafter called Group "B")

Demandeurs

- and -

- et -

Province of New Brunswick, as represented by The Honourable Bradley Green, Attorney Superintendent of Pensions for the Province of New Brunswick, Angela Mazerolle Stephens, Superintendent of Pensions for the Province of New Brunswick, Randy Audfroid, Jim Hinton and Stephen Manuel and Jim Campbell, Bill Graham, Rick Johnson and Randy McCullough

Province of New Brunswick, as represented by The Honourable Bradley Green, Attorney Superintendent of Pensions for the Province of New Brunswick, Angela Mazerolle Stephens, Superintendent of Pensions for the Province of New Brunswick, Randy Audfroid, Jim Hinton et Stephen Manuel et Jim Campbell, Bill Graham, Rick Johnson et Randy McCullough

Respondents

Intimés

JUDGMENT

JUGEMENT

The application for an extension of time to serve the respondents Randy Audfroid, Jim Hinton, Stephen Manuel, Jim Campbell, Bill Graham, Rick Johnson and Randy McCullough is granted. The application for leave to appeal from the judgment of the Court of Appeal of New Brunswick, Number 149/06/CA, 2007 NBCA 12, dated February 26, 2007, is dismissed with costs to the respondents Randy Audfroid, Jim Hinton, Stephen Manuel, Jim Campbell, Bill Graham, Rick Johnson and Randy McCullough.

La demande de prorogation de délai pour signifier les intimés Randy Audfroid, Jim Hinton, Stephen Manuel, Jim Campbell, Bill Graham, Rick Johnson et Randy McCullough est accordée. La demande d'autorisation d'appel de l'arrêt de la Cour d'appel du Nouveau-Brunswick, numéro 149/06/CA, 2007 NBCA 12, daté du 26 février 2007, est rejetée avec dépens en faveur des intimés Randy Audfroid, Jim Hinton, Stephen Manuel, Jim Campbell, Bill Graham, Rick Johnson et Randy McCullough.

J.S.C.C.
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