



Date: March 9, 2018

Subject: CT-2016-015 - *Commissioner of Competition v Vancouver Airport Authority*

Direction to Counsel (from Mr. Justice Gascon, Chairperson)

Further to the case management conference held on March 8, 2018 to discuss the amended scheduling order to be issued by the Tribunal in this matter, the Tribunal directs the parties to review the attached draft Order Amending the Scheduling Order and to provide their comments by 4 p.m. EST on March 16, 2018. More particularly, the parties are to provide their views on the bracketed/highlighted dates that need to be determined. Evidently, counsel for the parties are to discuss with one another and to make every effort to come to an agreement on the dates to be inserted in the scheduling order.

The Tribunal expects to finalize the revised scheduling order in the week of March 19, 2018.

The Tribunal makes the following additional observations:

1. Given that the exact nature of the motions arising from the supplementary affidavits of documents and/or supplementary production of documents to be filed in April 2018 by Vancouver Airport Authority (“VAA”) and/or the Commissioner of Competition (“**Commissioner**”) remains to be determined, it will be up to counsel for the parties to agree on a timetable for the various steps leading up to the hearing of such motions, namely the filing of the notices of motion and supporting materials, the filing of the responding motion materials, the filing of reply materials (if any), cross-examinations on affidavits, and the filing of factums.
2. A judicial member of the Tribunal will be available to hear the motions arising from the supplementary affidavits of documents and/or supplementary production of documents during the week of April 30, 2018 (between April 30 and May 4, 2018). Depending on the exact nature of the motions filed, such motions may have to be heard by a judicial member not sitting on the panel that will eventually hear the Commissioner’s application.
3. In conducting the examinations for discovery, counsel for the parties shall be mindful of the June 24, 2015 Federal Court’s Notice to the parties and the profession on “Case Management: Increased Proportionality in Complex Litigation before the Federal Court”, in particular the guidelines on limits on refusal motions.

4. The parties are to indicate to the Tribunal whether a further round of mediation should be included in the revised scheduling order and, if so, when such mediation shall be held (e.g., before or after the service and filing of the parties' respective cases).

Bianca Zamor
Registry Officer
Competition Tribunal
600-90 Sparks, Ottawa ON K1P 5B4
Tel.: 613-941-2440