

Competition Tribunal



Tribunal de la concurrence

Reference: *The Commissioner of Competition v. Hudson's Bay Company*, 2018 Comp Trib 6
File No.: CT-2017-008
Registry Document No.: 65

IN THE MATTER OF an application for orders pursuant to section 74.1 of the Competition Act for conduct reviewable pursuant to paragraph 74.01(1)(a) and subsection 74.01(3) of the Competition Act;

AND IN THE MATTER OF a case management conference held on March 9, 2018 to discuss the scheduling proposal filed by the parties and related oral submissions.

BETWEEN:

The Commissioner of Competition
(applicant)

and

Hudson's Bay Company
(respondent)



Date of case management conference: March 9, 2018
Before Judicial Member: J. Gagné
Date of Order: March 28, 2018

ORDER AMENDING THE SCHEDULING ORDER

[1] **FURTHER TO** the notice of application filed by the Commissioner of Competition (“**Commissioner**”) against the respondent, Hudson’s Bay Company (“**HBC**”) for orders pursuant to section 74.1 of the Competition Act for conduct reviewable pursuant to paragraph 74.01(1)(a) and subsection 74.01(3) of the *Competition Act*;

[2] **AND FURTHER TO** the Tribunal’s Order, dated February 22, 2018, granting the Commissioner’s motion to file his Amended Notice of Application;

[3] **AND FURTHER TO** the Commissioner filing his Amended Notice of Application on February 26, 2018;

[4] **AND FUTRHER TO** parties’ correspondence, dated March 5, 2018, attaching their scheduling proposals and requesting a case management conference;

[5] **AND FUTHER TO** a case management conference held on March 9, 2018;

[6] **AND WHEREAS**, in the particular circumstances of this case – specifically, the filing of an Amended Notice of Application by the Commissioner – and taking into consideration the submissions made by the parties at the case management conference, the Tribunal is satisfied that the following revised dates are appropriate and respect the principles found in subsection 9(2) of the *Competition Tribunal Act*, RSC 1985, c 19 (2nd Supp), and, in particular, the considerations of procedural fairness;

THE TRIBUNAL ORDERS THAT:

[7] The schedule for the remaining pre-hearing steps shall now be as follows:

March 21, 2018	Last day for HBC to file Amended Response
March 28, 2018	Last day for Commissioner to file Amended Reply
June 1, 2018	HBC produces Further Affidavit of Documents
Aug. 13 – Sept. 14, 2018	Examinations for discovery according to a schedule to be settled between counsel
October 15, 2018	Deadline for fulfilling answers to discovery undertakings
October 30, 2018	Last day for filing of motion arising from answers to undertakings and refusals
November 20, 2018	Hearing of any motions arising from answers to undertakings or refusals
November 23, 2018	Last day for follow-up examinations for discovery

December 19, 2018	Commissioner to serve documents relied upon, witness statements and expert reports, if any
January 4, 2019	Commissioner to serve list of documents proposed to be admitted without further proof
January 8, 2019	Mediation Briefs are due
January 22 and 23, 2019	Mediation before the Honourable Justice Robert Barnes
March 1, 2019	HBC to serve documents relied upon, witness statements, and expert reports (if any)
March 13, 2019	Deadline for delivering any Request for Admissions
March 22, 2019	Applicant to serve list of Reply documents, witness statements and expert reports (if any)
April 5, 2019	Deadline to provide documents to the Tribunal for use at the hearing (e.g., Briefs of Authorities, witness statements, expert reports and Agreed Books of Documents)
	Deadline for responding to any Requests for Admissions
April 18, 2019	Deadline for the hearing of any motions for Summary Dispositions and/or any motions related to the evidence

[12] The hearing of the Application shall commence at 10:00 a.m. on May 6, 2019, in the hearing room of the Tribunal located at 600-90 Sparks Street, Ottawa. The schedule for the hearing shall be as follows:

May 6-10, 2019	First week of hearing
May 13-17, 2019	Second week of hearing
May 20-24, 2019	Third week of hearing
May 27-31, 2019	Fourth week of hearing
June 3-7, 2019	Fifth week of hearing

[13] The Tribunal will hear oral argument from June 25-27, 2019 in Ottawa.

DATED at Ottawa, this 28 day of March 2018.

SIGNED on behalf of the Tribunal by the Judicial Member

(s) Jocelyne Gagné

COUNSEL OF RECORD:

For the applicant:

The Commissioner of Competition

Alexander Gay
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Katherine Rydel

For the respondent:

Hudson's Bay Company

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