

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v HarperCollins Publishers LLC and HarperCollins Canada Limited*, 2017 Comp Trib 13

File No.: CT-2017-002

Registry Document No.: 102

**IN THE MATTER OF** the *Competition Act*, RSC 1985, c C-34 as amended;

**AND IN THE MATTER OF** an application by the Commissioner of Competition pursuant to section 90.1 of the *Competition Act*.

BETWEEN:

**The Commissioner of Competition**  
(applicant)

and

**HarperCollins Publishers LLC and  
HarperCollins Canada Limited**  
(respondents)

and

**Rakuten Kobo Inc**  
(intervenor)



Decided on the basis of the written record

Before Judicial Member: Phelan J.

Date of Order: September 13, 2017

Order signed by: Mr. Justice M. Phelan

**AMENDED HEARING DATE ORDER**

**UPON** reviewing proposed schedules for the hearing of this Application;

**AND** the parties making initial proposed hearing dates; the Commissioner specifically proposing a hearing commencing in November 2018; the Respondents' "without prejudice" much later hearing date;

**AND** following a case management conference, the parties revised their proposals;

**AND CONSIDERING** that the Tribunal is to proceed expeditiously as circumstances and fairness permit;

**AND CONSIDERING** that:

- the Tribunal must have regard for the availability of three members of the Tribunal designated to hear this matter;
- the time between filing of the Notice of Application and the commencement date should be reasonably consistent (but not identical) with similar timeframes of similar cases;
- the November 2018 hearing date is approximately 660 days after the filing of the Notice of Application and falls within the reasonable range for similarly complex cases; and
- the parties have not shown that the initially proposed November date is either unreasonable, unfair or impractical.

**IT IS ORDERED THAT:**

[1] The hearing of this matter shall commence on November 13, 2018 (November 12, 2018 being a federal holiday) for approximately four (4) weeks; and

[2] The parties are to consult with respect to a schedule of steps necessary to bring the case on the scheduled time. In the event that the parties cannot agree on such steps within 30 days, the Tribunal shall, following a further case management conference, fix a schedule of pre-hearing steps.

DATED at Ottawa, this 13<sup>th</sup> day of September 2017.

SIGNED on behalf of the Tribunal by the presiding judicial member.

(s) Michael L. Phelan

APPEARANCES:

For the Applicant:

John Syme  
Alex Gay  
Esther Rossman  
Katherine Johnson

For the Respondents:

Katherine Kay  
Danielle Royal

For the Applicant for leave to intervene

Nikiforos Iatrou  
Scott McGrath  
Bronwyn Roe