

Competition Tribunal



**Tribunal de la
Concurrence**

Reference: *The Commissioner of Competition v. Hudson's Bay Company*, 2017 Comp. Trib. 7

File No.: CT-2017-008

Registry Document No.: 13

IN THE MATTER OF the *Competition Act*, R.S.C. 1985, c. C-34, as amended; and

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*.

BETWEEN:

Commissioner of Competition
(applicant)

and

Hudson's Bay Company
(respondent)



Date of case management conference: May 25, 2017

Before Judicial Member: Jocelyne Gagné

Date of Order: May 26, 2017

SCHEDULING ORDER

[1] **FURTHER TO** the notice of application filed by the Commissioner of Competition against the Respondent 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 draft scheduling order provided by the parties on May 8, 2017 and to the discussions with counsel for both parties at a case management conference held on May 24, 2016;

[3] **AND WHEREAS** the Tribunal has examined the proposed scheduling order and is of the view that, with the various amendments agreed to by the parties at the case management conference, it is appropriate and respects the principles found in subsection 9(2) of the *Competition Tribunal Act*, RSC 1985, c 19 (2nd Supp.);

THE TRIBUNAL ORDERS THAT:

[4] The schedule for the pre-hearing steps shall be as follows:

September 29, 2017	Service of Affidavits of Documents and delivery of documents by all Parties
November 17, 2017	Last day to file motions arising from Affidavits of Documents and/or productions
December 1, 2017	Hearing of any motions arising from Affidavits of Documents and/or productions
January 10, 2018	Deadline for delivery of any additional productions resulting from any Affidavits of Documents/production motions
January 22- February 23, 2018	Examinations for discovery according to a schedule to be settled between counsel.
April 13, 2018	Deadline for fulfilling answers to discovery undertakings
May 4, 2018	Last day for filing of motions arising from answers to undertakings and refusals
May 14, 2018	Mediation briefs due

May 24, 2018	Hearing of any motions arising from answers to undertakings or refusals
May 31 – June 1, 2018	Mediation before the Honorable Justice Robert Barnes
June 15, 2018	Last day for follow-up examinations for discovery
July 27, 2018	Applicant to serve documents relied upon, witness and expert reports, if any.
August 10, 2018	Applicant to serve list of documents proposed to be admitted without further proof
September 28, 2018	Respondent to serve documents relied upon, witness statements, and expert reports, if any.
October 8, 2018	Deadline for delivering any Requests for Admissions
October 22, 2018	Applicant to serve list of reply documents, witness statements, and expert reports, if any. Last day to file motions for Summary Disposition and/or any motions related to the evidence
October 29, 2018	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
November 9, 2018	Deadline for the hearing of any motions for Summary Disposition and/or any motions related to the evidence

[5] The hearing of the Application will commence at 10:00 am on November 19, 2018, in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa. The schedule shall be as follows:

November 19-23, 2018	First week of hearing
November 26-30, 2018	Second week of hearing
December 3-7, 2018	Third week of hearing
December 10-14, 2018	Fourth week of hearing
December 17-20, 2018	Fifth week of hearing

[6] The Tribunal will hear oral argument from January 14 to January 16, 2019.

DATED at Ottawa, this 26th of May, 2017.

SIGNED on behalf of the Tribunal by the Judicial Member

(s) Jocelyne Gagné

COUNSEL:

For the Applicant:

The Commissioner of Competition

Alexander Gay
Katherine Rydel

For the Respondent:

Eliot Kolers
Mark Walli
William Wu