



Reference: *The Commissioner of Competition v. Moose International Inc.*, 2016 Comp. Trib. 14
File No.: CT-2016-004
Registry Document No.: 12

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 74.1 of the *Competition Act* for conduct reviewable pursuant to paragraph 74.01(1)(a);

B E T W E E N:

The Commissioner of Competition
(applicant)

and

Moose International Inc.
(respondent)



Date of case management conference: August 4, 2016
Before Judicial Member: Gascon J. (Chairperson)
Date of Order: August 5, 2016

SCHEDULING ORDER

[1] **FURTHER TO** the notice of application filed by the Applicant The Commissioner of Competition against the Respondent Moose International Inc. pursuant to section 74.1 of the *Competition Act*, RSC, c C-34, as amended;

[2] **AND FURTHER TO** the draft scheduling order provided by the parties on July 18, 2016 and to the discussions with counsel for both parties at a case management conference held on August 4, 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 12, 2016	Service of Affidavits of Documents and delivery of documents by all Parties
September 23, 2016	Last day to file motions arising from Affidavits of Documents and/or productions
September 26, 2016	Hearing of any motions arising from Affidavits of Documents and/or productions
October 12, 2016	Deadline for delivery of any additional productions resulting from any Affidavits of Documents/production motions
October 17, 2016 – October 21, 2016	Examinations for discovery according to a schedule to be settled between counsel
October 31, 2016	Deadline for fulfilling answers to discovery undertakings
November 7, 2016	Mediation briefs due
November 19-30, 2016	Mediation (2 days)
November 25, 2016	Last day to file motions arising from answers to undertakings and refusals
November 29, 2016	Hearing of any motions arising from answers to undertakings and refusals

December 9, 2016	Last day for follow-up examinations for discovery
December 19, 2016	Applicant to serve documents relied upon and witness statements, and to serve and file expert reports, if any
January 9, 2017	Applicant to serve list of documents proposed to be admitted without further proof
January 25, 2017	Respondent to serve documents relied upon and witness statements, and to serve and file expert reports, if any
February 1, 2017	Deadline for delivering any Requests for Admissions
February 6, 2017	Applicant to serve reply documents and witness statements, and to serve and file reply expert reports, if any
February 7, 2017	Last day to file motions for Summary Disposition and/or any motions related to the evidence
February 10, 2017	Hearing of any motions for Summary Disposition and/or any motions related to the evidence
February 17, 2017	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)
February 17, 2017	Deadline for responding to any Requests for Admissions;

[5] The hearing of the Application will commence at 10:00 am on February 27, 2017, for not more than 10 days, in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa. The schedule for the hearing shall be as follows:

Monday, February 27, 2017 – Thursday, March 2, 2017	First week of hearing
Monday, March 6, 2017 – Thursday, March 9, 2017	Second week of hearing
Monday, March 13, 2017 – Tuesday, March 14, 2017	Third week of hearing (oral argument)

[6] The Tribunal shall dispose of the Respondent’s future request that the Tribunal attend in Winnipeg to view the facilities used by the Respondent when the Respondent will file a motion to that effect.

DATED at Ottawa, this 5th day of August, 2016.

SIGNED on behalf of the Tribunal by the Chairperson

(s) Denis Gascon

APPEARANCES

For the applicant:

The Commissioner of Competition

Jonathan Hood
Alexander Gay

For the respondent:

Moose International Inc.

Andrew Little
Kristen Holman