

**Competition Tribunal**



**Tribunal de la Concurrence**

Reference: *The Commissioner of Competition v. Aviscar Inc.*, 2016 Comp. Trib. 1

File No.: CT-2015-001

Registry Document No.: 073

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

**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 sections 74.05 and 74.011 of the *Competition Act*.

**B E T W E E N:**

**The Commissioner of Competition**  
(applicant)

and

**Aviscar Inc., Budgetcar Inc./Budgetauto Inc.,  
Avis Budget Group, Inc. and Avis Budget Car Rental, LLC**  
(respondents)



Decided on the basis of the written record.

Before Judicial Member: Barnes J.

Date of Order: January 11, 2016

**AMENDED SCHEDULING ORDER**

[1] **FURTHER TO** the application filed by the Commissioner of Competition pursuant to sections 74.01(1)(a), 74.05 and 74.011(1) and (2) of the *Competition Act*, RSC 1985, c. C-34, alleging that the respondents Aviscar Inc., Budgetcar Inc./Budgetauto Inc., Avis Budget Group, Inc. and Avis Budget Car Rental, LLC are engaging in deceptive marketing practices;

[2] **AND FURTHER TO** the Scheduling Order of June 30, 2015;

[3] **AND FURTHER TO** the Order Adjourning the Hearing of the Application dated December 7, 2015;

[6] **AND WHEREAS** counsel for the parties advised the Tribunal on December 30, 2015 that they had reached an agreement on a timetable for the disposition of the application;

[4] **AND WHEREAS** the Tribunal has examined the proposed timetable and is of the view that it is appropriate and respects the principles found in subsection 9(2) of the *Competition Tribunal Act*, R.S.C. 1985, c. 19 (2nd Supp.);

**THE TRIBUNAL ORDERS AS FOLLOWS:**

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

December 9, 2015 – February 5, 2016	Examinations for discovery according to a schedule to be settled between counsel
March 4, 2016	Deadline for fulfilling answers to discovery undertakings
March 24, 2016	Deadline for filing a notice of motion and any supporting affidavits arising from answers to undertakings and refusals (pursuant to Rule 83 of the <i>Competition Tribunal Rules</i> , SOR/2008-141)
	Materials related to any motions arising from answers to undertakings and refusals to be served and filed in accordance with Rules 85 and 87
Date to be set as needed, on April 18-22, 2016	Hearing of motions arising from answers to undertakings and refusals
May 6, 2016	Deadline for providing answers to undertakings ordered on the undertakings/refusals motions
May 31, 2016	Last day for follow-up examinations for discovery on answers to undertakings
June 3, 2016	Deadline for the filing of motions concerning subsection 69(2) of the <i>Competition Act</i>

June 7, 2016	Applicant to serve documents relied upon, witness statements, and serve and file expert reports (in accordance with Rules 68(1) and 77(1))
Week of June 27, 2016	Hearing of any motions concerning subsection 69(2) of the <i>Competition Act</i>
July 22, 2016	Applicant to serve list of documents proposed to be admitted without further proof (in accordance with Rule 72)
July 22, 2016	Respondents to serve documents relied upon, witness statements, and serve and file expert reports (in accordance with Rules 69(1) and 77(2))
August 12, 2016	Deadline for delivering any requests for admissions (in accordance with Rule 56)
August 23, 2016	Applicant to serve list of reply documents, witness statements, and serve and file reply expert reports (in accordance with Rules 70 and 77(3))
August 31, 2016	Deadline for the hearing of any motions for summary disposition and/or any motions related to the evidence
August 31, 2016	Deadline to provide documents to the Competition Tribunal for use at the hearing (e.g. briefs of authorities, witness statements, and agreed books of documents)

**[6]** The hearing of the application will commence at 10:00 am on September 7, 2016, for six weeks in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa.

DATED at Ottawa, this 11th day of January, 2016.

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

(s) R.L. Barnes

## **APPEARANCES**

For the applicant:

The Commissioner of Competition

Derek Leschinsky  
Antonio Di Domenico

For the respondents:

Aviscar Inc.  
Budgetcar Inc./Budgetauto Inc.  
Avis Budget Group, Inc. and  
Avis Budget Car Rental, LLC

D. Michael Brown  
Kevin Ackhurst  
Christine Kilby  
Christine Spence