

Competition Tribunal



Tribunal de la Concurrence

Reference: *The Commissioner of Competition v. Aviscar Inc.*, 2015 Comp. Trib. 7

File No.: CT-2015-001

Registry Document No.: 030

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)



Date of case management conference: 20150630

Before Judicial Member: Barnes J.

Date of Order: July 7, 2015

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*, R.S.C. 1985, c. C-34, alleging that the respondents Aviscar Inc., Budgetcar Inc./Budgetauto Inc. and Avis Budget Group, Inc. are engaging in deceptive marketing practices;

[2] **AND WHEREAS** counsel for the parties advised the Tribunal on June 29, 2015 that they had reached an agreement on a timetable for the disposition of the application;

[3] **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.);

[4] **AND FURTHER TO** the discussion with counsel at the case management conference of June 30, 2015;

THE TRIBUNAL ORDERS AS FOLLOWS:

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

March 11, 2015 (done)	Service of Notice of Application
April 29, 2015 (done)	Service of Amended Notice of Application
May 29, 2015 (done)	Service of Particulars upon the Respondents
June 29, 2015 (done)	Deadline for service of Response
July 13, 2015	Deadline for service and filing of Reply, if any
September 25, 2015	Service of affidavits of documents and delivery of documents by all parties
October 28, 2015	Deadline for the filing of any motions arising from affidavits of documents and/or productions and/or in respect of the scope of examinations for discovery
Date to be set as needed, on November 9 and 10, 2015	Hearing of any motions arising from affidavits of documents and/or productions and/or in respect of the scope of examinations for discovery
November 23, 2015	Deadline for delivery of any additional productions resulting from any affidavits of documents/production motions
November 30, 2015 – December 23, 2015	Examinations for discovery according to a schedule to be settled between counsel

January 15, 2016	Deadline for fulfilling answers to discovery undertakings
January 22, 2016	Deadline for filing motions arising from answers to undertakings and refusals
January 28-29, 2016	Hearing of motions arising from answers to undertakings and refusals
February 5, 2016	Last day for follow-up examinations for discovery
February 18, 2016	Applicant to serve documents relied upon, witness statements, and serve and file expert reports
March 4, 2016	Applicant to serve list of documents proposed to be admitted without further proof
March 18, 2016	Respondent to serve documents relied upon, witness statements, and serve and file expert reports
March 24, 2016	Deadline for delivering any requests for admissions
April 4, 2016	Applicant to serve list of reply documents, witness statements, and serve and file reply expert reports
April 11, 2016	Deadline for the hearing of any motions for summary disposition and/or any motions related to the evidence
April 11, 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 April 18, 2016, for not more than 30 days, in the Hearing Room of the Competition Tribunal located at 600-90 Sparks Street, Ottawa.

DATED at Ottawa, this 7th day of July, 2015.

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
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